MISCELLANEOUS RESOLUTIONS, AUTHORIZATIONS, EXCHANGES, AND CONVEYANCES RELATING TO PUBLIC LANDS

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS AND RESERVED WATER

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

S. 1303, S. 1661, S. 1705, S. 1978, S. 2279, S. 2308, S.J. Res. 155, H.R. 1281, and H.J. Res. 207

JULY 27, 1982

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MISCELLANEOUS RESOLUTIONS, AUTHORIZATIONS, EXCHANGES, AND CONVEYANCES RELATING TO PUBLIC LANDS

TUESDAY, JULY 27, 1982

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:15 p.m., in room 3110, Dirksen Office Building, Hon. Frank H. Murkowski presiding.

Present: Senator Murkowski.

Also present: Tony Bevinetto, professional staff member; and Thomas B. Williams, professional staff member for the minority.

OPENING STATEMENT OF HON. FRANK H. MURKOWSKI, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator MURKOWSKI. Good afternoon. The Public Lands and Reserved Water Subcommittee will receive testimony on a number of bills, acts, and resolutions from the administration and Members of Congress. Without objection, I will place the following bills in the hearing record.

The bills, acts, and resolutions are as follows: S. 2279, Senate Joint Resolution 155, House Joint Resolution 207, S. 1661, S. 2308, H.R. 1281, S. 1705, S. 1978, and S. 1303.

I believe that Senator Ford may have a statement. If he does not have a formal statement, we will take it into the record and submit it.

I will ask all the administration witnesses to come forward to the table. We will proceed with the National Park Service testifying on S. 2279, Senate Joint Resolution 155, House Joint Resolution 207, and S. 1661. The U.S. Forest Service will be next on S. 2308. BLM third on H.R. 1281, S. 1705, and S. 1978, and batting cleanup will be the Bureau of Reclamation on S. 1303. The hearing record will remain open for 10 days. Those wishing to submit written statements or additional testimony are urged to do so promptly, as the subcommittee would like to schedule those items as necessary on the committee agenda as soon as possible.

[The prepared statement of Senator Ford and the texts of the legislation before the subcommittee follow:]

STATEMENT BY SEN. WENDELL FORD
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER
JULY 27, 1982

Mr. Chairman: Thank you for this opportunity to present a statement before this committee.

I am here today to express my sincere interest in and support for having the Alben Barkley Home, known as Angles, designated as a National Historic Site.

The Angles, constructed in 1853, is the home of one of Kentucky's best known and best loved politicians, Alben W. Barkley (1877-1956). Alben Barkley served as U.S. Senator, Senate Majority Leader, and Vice President under Harry S. Truman (1949-1952). Later he was re-elected to the Senate and died in office in 1956.

Barkley's political career began in 1905 when he was elected prosecuting attorney for McCracken County, an office he held until 1908 when he was elected McCracken County Judge. Continuing his rise on the political ladder, Barkley was elected to the U.S. House of Representatives in 1913, where he remained until 1927, at which time he was elected to the U.S. Senate. While in the Upper House he served as Majority Leader from 1936-1947 and Minority Leader from 1947-1949. During his congressional career, he became closely identified with the policies of President Franklin D. Roosevelt and as Majority Leader, was responsible for their successful passage. Barkley had a long and glorious career as one of the most powerful men in politics and is one of Kentucky's best known national statesmen and orators.

He went to great lengths to preserve the original flavor of Angles while contributing several interesting features of his own.

The Angles, besides being architecturally beautiful, contains antiques and mementos which are of great value and interest to every historian.

Included in these items is a hand carved teakwood desk and chair used by Barkley while serving as Vice President. The other furniture is originally from the Philippines. Some of the other items of value include a library containing many books from Presidents Franklin Roosevelt and Truman, many portraits of Barkley and his wife, his top hat and suit worn during the Truman Inauguration and a bust of FDR presented to him by the President. There is also a 1930 brass teaset from Russia, and a collection of over 150 canes collected by Alben Barkley during his years in public office.

A wealth of history is contained in this house which has not changed since the Vice President died in 1956. Alben Barkley has made a tremendous contribution to this country, and I believe making his home a National Historic Site is a memorial fitting the accomplishments of this great statesman. I urge that this opportunity to preserve part of America's history not be overlooked and that this landmark be protected for the education and inspiration of present and future generations.

II

97TH CONGRESS
2D SESSION

S. 2279

To designate the Alben Barkley National Historic Site.

IN THE SENATE OF THE UNITED STATES

MARCH 24 (legislative day, FEBRUARY 22), 1982

Mr. FORD introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To designate the Alben Barkley National Historic Site.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) That in order to preserve for the benefit, education, and inspiration of present and future generations certain historically significant properties associated with the life of Alben Barkley, the Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, the lands and buildings thereon known as "Angles," comprising approximately thirteen acres located near Mayfield, Kentucky.

(b) It is the express intent of the Congress that the Secretary should substantially complete the acquisition program

authorized by this Act within one year after the date of enactment of this Act.

(c) Upon the acquisition of the aforesaid property, the Secretary shall establish the same as the Alben Barkley National Historic Site by publication of a notice and boundary map in the Federal Register. The Secretary shall administer the site in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666), as amended.

SEC. 2. Effective October 1, 1982, there are authorized to be appropriated from the Land and Water Conservation Fund not to exceed $700,000 for the acquisition of lands and interests therein.

II

97TH CONGRESS
2D SESSION

S. J. RES. 155

Redesignating the Saint Croix Island National Monument in the State of Maine as the "Saint Croix Island International Historic Site".

IN THE SENATE OF THE UNITED STATES

MARCH 3 (legislative day, FEBRUARY 22), 1982

Mr. COHEN introduced the following joint resolution; which was read twice and referred to the Committee on Energy and Natural Resources

---

JOINT RESOLUTION

Redesignating the Saint Croix Island National Monument in the State of Maine as the "Saint Croix Island International Historic Site".

Whereas in the summer of 1604, a small French expedition led by Sieur de Monts established the first European settlement in the northern half of North America on what is now Saint Croix Island, on the Saint Croix River, in the State of Maine;

Whereas pursuant to the Act entitled "An Act to authorize the establishment of the Saint Croix Island National Monument in the State of Maine" (approved June 8, 1949), portions of Saint Croix Island of national historical importance were established as the Saint Croix Island National Monument, a unit of the National Park System;

Whereas the historic settlement on Saint Croix Island marked the beginning of European colonization of Canada, from which the French embarked to establish the settlement which became Quebec; and

Whereas Saint Croix Island is important to the history of the people of Canada as well as that of the people of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in recognition of its historic significance to the United States and Canada, the Saint Croix Island National Monument in the State of Maine is hereby redesignated as the "Saint Croix Island International Historic Site".

(b) Any reference in a law, map, regulation, document, record, or other paper of the United States to such monument shall be deemed to be a reference to the "Saint Croix International Historic Site".

(c) Nothing in this joint resolution shall affect the status of the "Saint Croix Island International Historic Site" as a national monument and a unit of the National Park Service.

II

97TH CONGRESS
1ST SESSION

H. J. RES. 207

IN THE SENATE OF THE UNITED STATES

AUGUST 7, 1981

Referred to the Committee on Energy and Natural Resources

JOINT RESOLUTION

To require the Secretary of the Interior to place a plaque at the United States Marine Corps War Memorial honoring Joseph Rosenthal, photographer of the scene depicted by the memorial.

Whereas the photograph of the raising of the American flag by Sergeant Michael Strank, Corporal Harland H. Block, Privates First Class Franklin R. Sousley, Rene A. Gagnon, and Ira Hayes, and Pharmacist's Mate Second Class John H. Bradley, during the battle for control of Mount Suribachi, Iwo Jima, on February 23, 1945, has long been recognized as a most distinguished depiction of the courage and spirit of the United States armed services during the Second World War;

Whereas such photograph served as the model for the United States Marine Corps War Memorial, also known as the Iwo Jima Statue, in Arlington, Virginia; and

Whereas Joseph Rosenthal, the man who took such photograph, has represented the finest tradition of photographic journalism for the past fifty years: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall cause to be inscribed upon the United States Marine Corps War Memorial, also known as the Iwo Jima Statue, in Arlington, Virginia, the name of Joseph Rosenthal of San Francisco, California, photographer of the raising of the American flag during the battle for control of Mount Suribachi, Iwo Jima, on February 23, 1945, whose photograph served as the model for the memorial, and the date of such photograph. The location and design of such inscription shall be approved by the Secretary of the Interior and by the Commission of Fine Arts, in consultation with appropriate representatives of the original donors of the memorial. The Secretary of the Interior is authorized to accept donated funds for carrying out the purposes of this Act, and the United States shall be put to no expense in the placement of such inscription.

Passed the House of Representatives August 4, 1981.

Attest: EDMUND L. HENSHAW, JR.,

Clerk.

By W. RAYMOND COLLEY,

Deputy Clerk.

II

97TH CONGRESS
1ST SESSION

S. 1661

To authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24 (legislative day, SEPTEMBER 9), 1981

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to accept a conveyance of approximately four acres of land adjacent to the Effigy Mounds National Monument in the State of Iowa, and in exchange therefor to convey the grantor, without monetary consideration, approximately three acres of land within the monument, all as described in subsection (b) of this

section. Effective upon consummation of the exchange, the land accepted by the Secretary shall become part of Effigy Mounds National Monument, subject to the laws and regulations applicable thereto, and the land conveyed by the Secretary shall cease to be part of the monument and the boundary of the monument is revised accordingly.

(b) The land referred to in subsection (a) which may be accepted by the Secretary is more particularly described as that portion of the southeast quarter of the southeast quarter of section 28 lying south and east of County Road Numbered 561, and the land referred to in subsection (a) which may be conveyed by the Secretary is more particularly described as that portion of the northeast quarter of the northeast quarter of section 33 lying north and west of County Road Numbered 561, all in township 96 north, range 3 west, fourth principal meridian, Allamakee County, Iowa.

II

97TH CONGRESS
2D SESSION

S. 2308

To direct the Secretary of Agriculture to convey certain property to the city of Show Low, Arizona.

IN THE SENATE OF THE UNITED STATES

MARCH 30 (legislative day, FEBRUARY 22), 1982

Mr. DECONCINI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To direct the Secretary of Agriculture to convey certain property to the city of Show Low, Arizona.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to convey, by quitclaim deed and without consideration, to the city of Show Low, Arizona, all right, title, and interest of the United States in and to parcels 1 and 2.

(1) A tract of land, together with improvements thereon known as the David C. Porter Park: That certain part of section 19, township 10 north, range 22 east, and also section 24, township 10 north, range 21

east, of the Gila and Salt River base and meridian, Show Low, Navajo County, Arizona. Said parcel being described as follows: The southwest quarter of the southwest quarter; and the southeast quarter of the southwest quarter of said section 19, township 10 north, range 22 east; and also the northeast quarter of the northwest quarter of the southeast quarter of the southeast quarter; and the northeast quarter of the southeast quarter of the southeast quarter; and the north half of the southeast quarter of the southeast quarter of the southeast quarter; and the southeast quarter of the southeast quarter of the southeast quarter of the southeast quarter of said section 24, township 10 north, range 21 east, Gila and Salt River base and meridian, Show Low, Navajo County, Arizona.

Excepting therefrom the following: A parcel of land situated in section 19 of township 10 north, range 22 east of the Gila and Salt River base and meridian, Navajo County, Arizona, lying north of United States Highway 60—State Highway 260; and being more particularly bounded and described as follows: Beginning at the south quarter corner of section 19; thence north 02 degrees 03 minutes 03 seconds west, along the midsection line of said section 19 for a distance of 1049.38 feet to a point, said point being a ADOT

15-123 O - 83 - 2

Highway Department marking cap at "POT 179+80.36, 277.06 feet right of Survey Centerline"; thence south 88 degrees 49 minutes 00 seconds west, for a distance of 56.12 feet to a point, said point being ADOT marking cap at "POT 178+29.39, 245.41 feet right of Survey Centerline"; thence north 33 degrees 01 minutes 00 seconds west, for a distance of 145.41 feet to a point, said point being ADOT marking cap at "POT 178+29.39, 100 feet right of Survey Centerline", and the south right-of-way line United States Highway 60—State Highway 260; thence south 56 degrees 59 minutes 00 seconds west, along the south right-of-way line of United States Highway 60—State Highway 260 for a distance of 354.39 feet to a point; thence north 33 degrees 01 minutes 00 seconds west, for a distance of 200.00 feet to the north right-of-way line of United States Highway 60—State Highway 260 and to a point, said point being ADOT marking cap at "POT 174+75.00, 100 feet left of Survey Centerline," and true point of beginning for this survey; thence south 56 degrees 59 minutes 00 seconds west, along the north right-of-way line of United States Highway 60—State Highway 260 for a distance of 210.50 feet to a point, said point being the point of tangent of a curve concave to the southeast;

said curve having a degree of curvature of 0.4956384, a central angle of 2 degrees 49 minutes 12 seconds, a radius of 11,560 feet, a chord distance of 568.73 feet and for a distance along said curve of 568.96 feet to a point; thence north for a distance of 522.66 feet more or less to a point on the south right-of-way line of West Owens Street; thence north 87 degrees 00 minutes 00 seconds east, along said south line of West Owens Street for a distance of 516.30 feet to a point, said point being ADOT marking cap at "POT 174+28.96, 264.37 feet left of Survey Centerline"; thence south 83 degrees 09 minutes 49 seconds east, for a distance of 59.98 feet to a point, said point being ADOT marking cap at "POT 174+75.00, 225.94 feet left of Survey Centerline"; thence south 33 degrees 01 minutes 00 seconds east, for a distance of 125.94 feet to the true point of beginning. Said parcel contains 199,093 square feet or 4.57 acres more or less.

And also excepting therefrom the right-of-way for United States Highway 60 (Arizona State Route 260) and all properties lying south of United States Highway 60; and also excepting therefrom the right-of-way for Arizona State Route 260.

Said parcel contains 48 acres more or less.

(2) A tract of land, together with improvements thereon known as the Show Low Municipal Airport: That part of sections 15 and 16 of township 10 north, range 22 east, Gila and Salt River base and meridian, Show Low, Navajo County, Arizona, more particularly bounded and described as follows: That part of said sections 15 and 16 which lie north of the north right-of-way line of United States Highway 60 and east of the east right-of-way line of Arizona State Route 77. Said parcel contains 897 acres more or less.

II

97TH CONGRESS
1ST SESSION

H. R. 1281

IN THE SENATE OF THE UNITED STATES

DECEMBER 15 (legislative day, NOVEMBER 30), 1981
Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To provide for the conveyance of certain lands in Alaska comprising trade and trade manufacturing site A–056802 without regard to the eighty-rod limitation provided by existing law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the requirements provided in section 2 of this Act, the Secretary of the Interior is authorized to reconsider and act upon trade and manufacturing claim application A–056802, comprising approximately 16.33 acres in the State of Alaska, under section 10 of the Act of May 14, 1898 (30 Stat. 413, as amended and supplemented, 43 U.S.C. 687a), without regard to the eighty-rod limitation contained

in the first proviso of that section. The land comprising trade and manufacturing claim A–056802 is located between Nuyakuk and Tikchik Lakes in protracted section 36, T. 2 S., R. 54 W., Seward meridian.

SEC. 2. Notwithstanding the payment provisions in section 10 of the Act of May 14, 1898, the Secretary of the Interior shall require payment of fair market value for the approximately 6.27 acres authorized to be conveyed under this Act in excess of the approximately 10.06 acres to which the Secretary has determined the applicant would have been entitled under section 10, had the eighty-rod limitation therein been applicable. Fair market value shall be determined by the Secretary as of the date of filing of such trade and manufacturing claim application A–056802, and shall not include the value of any enhancement of the land.

SEC. 3. The Secretary of the Interior shall not convey any land under this Act unless and until the State of Alaska conveys to the United States all right, title, and interest that it has in that portion of the land included in trade and manufacturing claim application A–056802 that has been selected under the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, as amended), and tentatively approved, and warrants that it has not alienated or conveyed any interests in these lands to a third party. The State of Alaska is hereby author-

ized to make such a conveyance regarding such portion of such lands, notwithstanding any other provision of law.

Passed the House of Representatives December 15, 1981.

Attest: EDMUND L. HENSHAW, JR.,
Clerk.

By THOMAS E. LADD,
Assistant to the Clerk.

97TH CONGRESS
1ST SESSION

S. 1705

To amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by Federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 9), 1981

Mr. MCCLURE (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To amend the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) to permit temporary use by Federal departments and agencies of public lands controlled by the Bureau of Land Management, Department of the Interior.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(b)) is amended by inserting the phrase "temporary use permits" between the comma following the words "section 204 of this Act" and the word "and" in the first proviso.

97TH CONGRESS
1ST SESSION

S. 1978

To quiet title and possession with respect to a certain private land claim in Livingston Parish, Louisiana.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16 (legislative day, NOVEMBER 30), 1981

Mr. JOHNSTON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To quiet title and possession with respect to a certain private land claim in Livingston Parish, Louisiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, all right, title, and interest of the United States in and to the parcel of land described as section 39, township 5 south, range 4 east, Saint Helena meridian, Louisiana, is hereby granted, released, and relinquished by the United States in fee simple to William Dennis, his heirs, or assigns.

SEC. 2. Nothing contained in this Act shall abridge or prejudice valid existing rights in any portion of the land described in the first section of this Act, the true intent of this Act being to convey all right, title, and interest to which the United States is entitled in said land to all persons or estates who would be the lawful owners under the laws of Louisiana in the absence of any interest or estate in the United States.

II

97TH CONGRESS
1ST SESSION

S. 1303

To authorize the Secretary of the Interior to exchange certain lands in Hill County, Montana.

IN THE SENATE OF THE UNITED STATES

JUNE 2 (legislative day, JUNE 1), 1981

Mr. MELCHER introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To authorize the Secretary of the Interior to exchange certain lands in Hill County, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, authorized and directed to enter into an exchange of lands with Keith Donoven in Hill County, Montana. The private deeded lands proposed for exchange are, to wit: the southwest quarter and the northwest quarter southeast quarter, section 13, township 34 north, range 12 east, 200 acres; north half northwest quarter, section 24, township 34 north, range 12

east, 80 acres; north half north half northeast quarter southeast quarter section 17, township 34 north, range 13 east, 10 acres; north half northeast quarter northeast quarter section 21, township 34 north, range 13 east, approximately 25 acres; plus an area comprised of southwest quarter southwest quarter southeast quarter, southeast quarter southwest quarter, west half northeast quarter southwest quarter, east quarter east half west half southwest quarter, east quarter southeast quarter southwest quarter northwest quarter, north quarter south half southwest quarter northwest quarter, northwest quarter southwest quarter northwest quarter, section 22, township 34 north, range 13 east. Such deeded lands contain 415 acres more or less and are to be exchanged for the following lands owned by the United States, to wit: south half south half, section 24, township 34 north, range 12 east, 160 acres; northeast quarter northwest quarter, section 25, township 34 north, 40 acres; north half northeast quarter, section 25, township 34 north, range 12 east, 80 acres; southwest quarter northwest quarter, section 30, township 34 north, range 13 east, 40 acres; west half southwest quarter, section 30, township 34 north, range 13 east, 80 acres.

SEC. 2. No conveyance shall be made pursuant to this Act until the Secretary determines values being exchanged are equal, except differences in value may be offset by mone-

tary settlement in accordance with applicable law and regulations.

SEC. 3. The patents issued pursuant to this Act shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits as may be formed in such lands: *Provided, however,* That if the private deeded lands conveyed to the United States include both surface and subsurface mineral values, the Secretary is authorized and directed to enter into such an exchange on an equal value basis.

Senator MURKOWSKI. We will have as our first witness Mr. Russell E. Dickenson, Director of the National Park Service, Department of the Interior.

Good afternoon, Mr. Dickenson. You may proceed.

STATEMENT OF HON. RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, RELATING TO SENATE JOINT RESOLUTION 155

Mr. DICKENSON. Good afternoon, Mr. Chairman. I understood that you wanted to take up Senate Joint Resolution 155 as the first item.

Senator MURKOWSKI. That is correct.

Mr. DICKENSON. We appreciate very much the chance to appear before you this afternoon.

Senate Joint Resolution 155 would change the name of the Saint Croix Island National Monument to the Saint Croix Island International Historic Site. This resolution specifically provides that nothing in the resolution shall affect the status of the area as a unit of the national park system.

It was originally established by an act of Congress of June 8, 1949. It is administered by Acadia National Park of the U.S. national park system. We have no specific visitation statistics for the area, but the estimate of the Acadia superintendent is about 5,000 visitors stop at Saint Croix annually.

We fully support this resolution of the name change, Mr. Chairman. Saint Croix is the site of the first French settlement in North America in 1604, and this, in turn, led to the founding of French Canada several years later at Fort Royal and Quebec City. So, some have referred to the Saint Croix area as a Canadian Plymouth Rock or Jamestown. The history made at Saint Croix is therefore of great importance to both the United States and Canada, and the change of designation to "International Historic Site" is clearly appropriate.

This new designation would formalize an ongoing cooperative relationship that has evolved in recent years over the site among the U.S. National Park Service, Parks Canada, and the New Brunswick Historical Resources Administration. I want to call your attention specifically to the kind of interest and contribution that the Premier of New Brunswick, Mr. Richard B. Hatfield, the kind of contributions that he has made in bringing this about.

We have only some technical corrections to suggest, Mr. Chairman, and those are included in my written remarks.

[The prepared statement of Mr. Dickenson relating to Senate Joint Resolution 155 follows:]

STATEMENT OF RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON SENATE JOINT RESOLUTION 155, A JOINT RESOLUTION, "REDESIGNATING THE SAINT CROIX ISLAND NATIONAL MONUMENT IN THE STATE OF MAINE AS THE 'SAINT CROIX ISLAND INTERNATIONAL HISTORIC SITE.'"

JULY 27, 1982

MR. CHAIRMAN, THANK YOU FOR THE OPPORTUNITY TO PRESENT THE VIEWS OF THE DEPARTMENT OF THE INTERIOR ON S.J. RES. 155.

S.J. RES. 155 WOULD CHANGE THE NAME OF THE SAINT CROIX ISLAND NATIONAL MONUMENT TO THE SAINT CROIX ISLAND INTERNATIONAL HISTORIC SITE. THE RESOLUTION SPECIFICALLY PROVIDES THAT NOTHING IN THE RESOLUTION SHALL AFFECT THE STATUS OF THE AREA AS A UNIT OF THE NATIONAL PARK SERVICE.

SAINT CROIX ISLAND NATIONAL MONUMENT WAS ESTABLISHED BY THE ACT OF CONGRESS OF JUNE 8, 1949 (63 Stat. 158). THE AREA IS ADMINISTERED BY ACADIA NATIONAL PARK. NO VISITATION STATISTICS HAVE BEEN KEPT FOR THE AREA, BUT THE ESTIMATE OF THE ACADIA SUPERINTENDENT IS THAT ABOUT 5,000 VISITORS STOP AT SAINT CROIX ANNUALLY. WE EXPECT VISITOR INCREASES IN THE FUTURE BASED ON IMPROVED INTERPRETATION AND THE GROWING EMPHASIS PLACED ON THE AREA AND ITS HISTORY BY THE GOVERNMENTS OF CANADA AND THE UNITED STATES.

WE FULLY SUPPORT THIS RESOLUTION. SAINT CROIX ISLAND IS THE SITE OF THE FIRST FRENCH (ACADIAN) SETTLEMENT IN NORTH AMERICA IN 1604. THIS, IN TURN, LED TO THE FOUNDING OF FRENCH CANADA SEVERAL YEARS LATER AT FORT ROYAL AND QUEBEC CITY. EXPEDITION LEADERS DE MONTS AND CHAMPLAIN WERE ALSO THE FIRST TO EXPLORE AND CHART THE NEW ENGLAND COASTLINE. SOME HAVE REFERRED TO

SAINT CROIX AS A CANADIAN PLYMOUTH ROCK OR JAMESTOWN. THE HISTORY MADE AT SAINT CROIX IS THEREFORE OF GREAT IMPORTANCE TO BOTH THE UNITED STATES AND CANADA, AND THE CHANGE OF DESIGNATION TO "INTERNATIONAL HISTORIC SITE" IS CLEARLY APPROPRIATE.

NO ADDITIONAL OR ATTRIBUTABLE COSTS WOULD RESULT FROM THE ENACTMENT OF THIS RESOLUTION. NONETHELESS, THIS NEW DESIGNATION WOULD FORMALIZE AN ONGOING COOPERATIVE RELATIONSHIP WHICH HAS EVOLVED IN RECENT YEARS OVER THE SITE AMONG THE U.S. NATIONAL PARK SERVICE, PARKS CANADA, AND THE NEW BRUNSWICK HISTORICAL RESOURCES ADMINISTRATION. WE EXPECT THE QUALITY OF THE VISITOR EXPERIENCE AND THE COOPERATION AMONG GOVERNMENTS TO ONLY IMPROVE AS WE CONTINUE TO WORK TOWARDS APPROPRIATE RECOGNITION FOR SAINT CROIX. IN THAT CONTEXT, MR. CHAIRMAN, WE WOULD LIKE TO TAKE THIS OPPORTUNITY TO BRING TO YOUR ATTENTION THE GREAT CONTRIBUTION THAT PREMIER RICHARD B. HATFIELD IS MAKING IN THE RECOGNITION OF THE SIGNIFICANCE OF SAINT CROIX. A CONSIDERABLE SHARE OF THE CREDIT FOR THIS ENTERPRISE BELONGS TO PREMIER HATFIELD AND THE NATIONAL PARK SERVICE IS GRATEFUL FOR HIS VISION AND HIS PERSISTENCE.

OUR ONLY AMENDMENTS ARE TECHNICAL CORRECTIONS. FIRST, ON PAGE 2, LINE 9, AFTER "CROIX," INSERT THE WORD "ISLAND." SECOND, ON PAGE 2, LINE 13, THE WORD "SERVICE" SHOULD BE DELETED AND THE WORD "SYSTEM" SHOULD BE INSERTED IN ITS PLACE.

MR. CHAIRMAN, THIS COMPLETES MY TESTIMONY. I WOULD BE PLEASED TO ANSWER ANY QUESTIONS YOU OR MEMBERS OF THIS SUBCOMMITTEE MAY HAVE. THANK YOU.

Senator MURKOWSKI. Thank you, Mr. Dickenson. I understand that this redesignation will not result in any severe monetary expense to the Federal Government.

Mr. DICKENSON. That is correct. The area is isolated and difficult of access and is visited by only about 5,000 people per year.

Senator MURKOWSKI. Are most of those Canadians or Americans?

Mr. DICKENSON. Most of the visitors are Canadian.

Senator MURKOWSKI. Why would they come more so than—

Mr. DICKENSON. Because it's of primary interest to Canadians.

Senator MURKOWSKI. Historical interest?

Mr. DICKENSON. That is correct.

Senator MURKOWSKI. We also have statements from Senator Mitchell and Senator Cohen, sponsors of the bill and they will be entered into the record.

I believe that will conclude any further testimony on Senate Joint Resolution 155. Thank you, Mr. Dickenson.

[The prepared statements of Senator Mitchell and Senator Cohen follow:]

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BEFORE THE UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

STATEMENT OF

SENATOR GEORGE J. MITCHELL

IN SUPPORT OF S.J.RES. 155

JULY 27, 1982

Mr. Chairman, I want to express my support for S.J.Res. 155, a resolution redesignating St. Croix Island National Monument in the State of Maine as an international historic site.

St. Croix Island National Monument is a small portion of the National Park System that lies within the boundaries of the City of Calais, in Washington County, Maine, in the estuary of the St. Croix River approximately four miles from the river's entrance into Passamaquoddy Bay. The monument itself consists of three parcels of land, with over seven acres above high tide.

Archeological excavations have revealed human habitation dating back 4,000 years when Indians with a nomadic life style used St. Croix Island as a seasonal fishing camp. Of important historical significance was the landing of a French expedition in June, 1604, led by Sieur de Monts. With a company of around 150, including the geographer Samuel de Champlain, Sieur de Monts established a colony which was expected to hold promise because of the monopoly he had on fur trade and the existence of timber, arable land and precious metals. Half of the inhabitants left that autumn and, of the 79 persons who remained during the harsh winter, 35 perished. After a relief party arrived from

France the following June, 1605, the company moved to Port Royal, Nova Scotia, ending one of the first permanent European settlements in North America.

The island received attention once again during the late 1700's when negotiators of the 1796-1799 International Boundary Commission sought to settle the boundary between the United States and Canada following the end of the Revolutionary War. Excavators verified the French settlement, and ultimately, the island was placed on the American side of the border.

History books record the founding of Jamestown in 1607 and the landing at Plymouth in 1620 as significant events in the early European colonization of this continent. St. Croix Island received relatively scant attention as part of this effort until it was designated by Congress in 1949 as a national monument. It was dedicated as such in 1968 after all the deeds to what had been private land on the island and on the mainland were transferred to the National Park Service.

As a Senator representing the State of Maine, I am proud of the role which St. Croix Island has played in the settlement of North America. It is of historical significance to the State of Maine which today continues to have a strong French heritage. And it is important to our Canadian neighbors, particularly those in the provinces of Quebec and New Brunswick. For, not only was the settlement led by Sieur de Monts and Champlain one of the first of European origin north of Florida, but Champlain went on to found Quebec and explored other parts

of present-day Ontario. He is regarded as the father of Quebec and a founder of Canada.

The premier of New Brunswick, Richard Hatfield, has for many years been seeking the redesignation of St. Croix Island as testimony to its prominence in Canadian history.

Sixty miles southeast of St. Croix Island on the Canadian side of Passamaquoddy Bay lies Campobello Island. Located on it is the Roosevelt Campobello International Park, dedicated to the memory of Franklin Delano Roosevelt, one of our country's great presidents. My predecessor in the Senate, former Senator Edmund S. Muskie, currently serves as its chairman. Since its founding in 1964, this park has served as a model of cooperation between the United States and Canada, both of which contribute funds equally on an annual basis for the operation and maintenance of park grounds and facilities.

Designating St. Croix Island as an international historic site would build on this cooperative effort on the borders of Maine and eastern Canada and preserve that which is of historical, cultural and recreational significance to both countries.

Enactment of S.J.Res. 155 would neither affect the status of St. Croix Island as a unit of the National Park System nor disrupt management by the National Park Service. Rather, it will serve to recognize its significance as a historic site valued by Americans and Canadians alike.

I hope the committee will act promptly to recommend its passage by the Senate. Thank you, Mr. Chairman, for this opportunity to present testimony in behalf of the resolution.

Statement of
WILLIAM S. COHEN
Subcommittee on Public Lands and Reserved Water
July 27, 1982

Mr. Chairman: I appreciate the opportunity to submit testimony to your Subcommittee in support of S. J. Res. 155, a joint resolution introduced by myself and cosponsored by my colleague, Senator Mitchell, redesignating the St. Croix National Monument in the state of Maine as an international historic site. I would like to commend you for holding this hearing today, and express my appreciation to the committee staff for the cooperation it has provided in the development of S. J. Res. 155.

I would like to begin by providing a brief historical overview of legislative developments affecting the status of St. Croix Island. Nearly 50 years ago, Senator Wallace White of Maine introduced a bill to designate St. Croix Island as a National Monument. In 1949, because of the active interest on the part of the members of the Maine Congressional delegation, a bill authorizing the national monument status for the island was approved and signed into law. However, it wasn't until June 30, 1968, that all lands were finally deeded to the National Park Service, and the formal dedication of the St. Croix Island National Monument was conducted.

The bill before you today would alter the status of the Monument by acknowledging its historic significance as the site for Canada's first European settlement. The bill is patterned after legislation passed in 1964, which created the Roosevelt-Campobello International Park on Campobello Island in New Brunswick. The bill would not authorize the expenditure of funds for any additional purchase of property, nor would it restrict any of the current authority of the Park Service over the administration of the Island.

Senator MURKOWSKI. We will move to House Joint Resolution 207, and I believe you will be presenting that as well.

Mr. DICKENSON. That is correct.

Senator MURKOWSKI. OK, Mr. Dickenson, you may proceed.

STATEMENT OF HON. RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, RELATING TO HOUSE JOINT RESOLUTION 207

Mr. DICKENSON. This particular resolution we also support, Mr. Chairman. This resolution provides that the Secretary of the Interior shall cause to be inscribed upon the U.S. Marine Corps War Memorial, also known as the Iwo Jima Statue, in Arlington, Va., the name of Joseph Rosenthal of San Francisco, Calif., who was the photographer of the raising of the American flag during the battle for control of Mount Suribachi, Iwo Jima, on February 23, 1945, and the date of such photograph. As everyone knows, Mr. Rosenthal's photograph served as the model for the memorial.

It further provides that the location and design of such inscription shall be approved by the Secretary of the Interior and by the Commission of Fine Arts in consultation with appropriate representatives of the original donors of the memorial. That was the Marine Corps League, Inc.

The measure further authorizes the Secretary of the Interior to accept donated funds for carrying out its purposes, and provides that the United States shall be put to no expense in the placement of such inscription.

Mr. Chairman, this legislation would, in effect, provide for the display of the photographer's name in a manner equal to the name of the artist who sculpted the Marine Corps Statue. The following statement from the House Interior Committee report on the measure is an excellent background summary, and I quote portions:

> February 23, 1945, during the battle for control of the Island of Iwo Jima, Joseph Rosenthal, of San Francisco, photographed a group of six American fighting men struggling successfully to raise the American flag atop Mount Suribachi.
>
> The photograph won instant acclaim and a Pulitzer Prize, as a most striking depiction of the courage and spirit of the American troops who fought in the Second World War. More than 35 years later, it retains its immediacy and is a well known and recognizable as such earlier patriotic imagery as "Washington Crossing the Delaware" or "The Spirt of 1976".
>
> Accordingly, the monument, financed by public subscription and created by Felix DeWeldon, translates into three dimensions the familiar lineaments of the Rosenthal photograph.

So, since the inscription will be approved by the Secretary and the Fine Arts Commission, and will not entail the expenditure of appropriated funds, we fully support the enactment of House Joint Resolution 207.

[The prepared statement of Mr. Dickerson relating to House Joint Resolution 207 follows:]

STATEMENT OF RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON HOUSE JOINT RESOLUTION 207, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON AUGUST 4, 1981.

JULY 27, 1982

MR. CHAIRMAN, I AM PLEASED TO APPEAR BEFORE YOUR SUBCOMMITTEE TODAY TO TESTIFY ON BEHALF OF HOUSE JOINT RESOLUTION 207, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON AUGUST 4, 1981. WE SUPPORT THE ENACTMENT OF THIS LEGISLATION.

HOUSE JOINT RESOLUTION 207 PROVIDES THAT THE SECRETARY OF THE INTERIOR SHALL CAUSE TO BE INSCRIBED UPON THE UNITED STATES MARINE CORPS WAR MEMORIAL, ALSO KNOWN AS THE IWO JIMA STATUE, IN ARLINGTON, VIRGINIA, THE NAME OF JOSEPH ROSENTHAL OF SAN FRANCISCO, CALIFORNIA, PHOTOGRAPHER OF THE RAISING OF THE AMERICAN FLAG DURING THE BATTLE FOR CONTROL OF MOUNT SURIBACHI, IWO JIMA, ON FEBRUARY 23, 1945, AND THE DATE OF SUCH PHOTOGRAPH. MR. ROSENTHAL'S PHOTOGRAPH SERVED AS THE MODEL FOR THE MEMORIAL.

IT FURTHER PROVIDES THAT THE LOCATION AND DESIGN OF SUCH INSCRIPTION SHALL BE APPROVED BY THE SECRETARY OF THE INTERIOR AND BY THE COMMISSION OF FINE ARTS, IN CONSULTATION WITH APPROPRIATE REPRESENTATIVES OF THE ORIGINAL DONORS OF THE MEMORIAL, THE MARINE CORPS LEAGUE, INC.

THE MEASURE FURTHER AUTHORIZES THE SECRETARY OF THE INTERIOR TO ACCEPT DONATED FUNDS FOR CARRYING OUT ITS PURPOSES, AND PROVIDES THAT THE UNITED STATES SHALL BE PUT TO NO EXPENSE IN THE PLACEMENT OF SUCH INSCRIPTION.

MR. CHAIRMAN, THIS LEGISLATION WOULD, IN EFFECT, PROVIDE FOR THE DISPLAY OF THE PHOTOGRAPHER'S NAME IN A MANNER EQUAL TO THE NAME OF THE ARTIST WHO SCULPTED THE MARINE CORPS STATUE. THE FOLLOWING STATEMENT FROM THE HOUSE INTERIOR COMMITTEE REPORT ON THE MEASURE IS AN EXCELLENT BACKGROUND SUMMARY, AND I QUOTE PORTIONS OF IT AS FOLLOWS:

"ON FEBRUARY 23, 1945, DURING THE BATTLE FOR CONTROL OF THE ISLAND OF IWO JIMA, JOSEPH ROSENTHAL, OF SAN FRANCISCO, PHOTOGRAPHED A GROUP OF SIX AMERICAN FIGHTING MEN STRUGGLING SUCCESSFULLY TO RAISE THE AMERICAN FLAG ATOP MOUNT SURIBACHI.

THE PHOTOGRAPH WON INSTANT ACCLAIM AND A PULITZER PRIZE, AS A MOST STRIKING DEPICTION OF THE COURAGE AND SPIRIT OF THE AMERICAN TROOPS WHO FOUGHT IN THE SECOND WORLD WAR. MORE THAN 35 YEARS LATER, IT RETAINS ITS IMMEDIACY AND IS AS WELL-KNOWN AND RECOGNIZABLE AS SUCH EARLIER PATRIOTIC IMAGERY AS "WASHINGTON CROSSING THE DELAWARE" OR "THE SPIRIT OF '76".

THUS, WHEN PUBLIC LAW 80-157 (APPROVED JULY 1, 1947), AUTHORIZED ERECTION OF A MEMORIAL TO THE MARINE CORPS DEAD OF ALL WARS, IT WAS DECIDED THAT THE SCENE CAPTURED IN MR. ROSENTHAL'S PHOTOGRAPH WOULD PROVIDE THE BASIS FOR THE REALIZATION OF THIS PURPOSE.

ACCORDINGLY, THE MONUMENT, FINANCED BY PUBLIC SUBSCRIPTION AND CREATED BY FELIX DE WELDON, TRANSLATES INTO THREE DIMENSIONS

THE FAMILIAR LINEAMENTS OF THE ROSENTHAL PHOTOGRAPH. IT CONSISTS OF SIX FIGURES 32 FEET TALL ERECTING A 60-FOOT BRONZE FLAGPOLE. THE MONUMENT WAS DEDICATED BY PRESIDENT EISENHOWER ON NOVEMBER 10, 1954 (197th ANNIVERSARY OF THE U.S. MARINE CORPS); BY PROCLAMATION OF PRESIDENT KENNEDY OF JUNE 12, 1961, THE FLAG ATOP THE FLAGPOLE PORTION OF THE MONUMENT FLIES 24 HOURS A DAY, EXCEPT IN INCLEMENT WEATHER.

THE BASE OF THE MEMORIAL IS OF ROUGH SWEDISH GRANITE; BURNISHED IN GOLD THEREON ARE THE NAMES AND DATES OF EVERY PRINCIPAL MARINE CORPS ENGAGEMENT, AND THE NAME OF MR. DE WELDON. AS AMENDED, HOUSE JOINT RESOLUTION 207 WOULD PROVIDE FOR THE ADDITION OF THE NAME OF MR. ROSENTHAL, THE PHOTOGRAPHER."

SINCE THE INSCRIPTION WILL BE APPROVED BY THE SECRETARY AND THE FINE ARTS COMMISSION, AND WILL NOT ENTAIL THE EXPENDITURE OF APPROPRIATED FUNDS, WE SUPPORT THE ENACTMENT OF H.J. RES. 207.

THIS CONCLUDES MY PREPARED REMARKS.

Senator MURKOWSKI. Thank you, Mr. Dickenson.

I would add that literally millions of Americans travel through our Nation's Capital to view the monuments to honor those who have sacrificed to build this great country. It is only befitting to attach Mr. Rosenthal's name to the Iwo Jima Memorial as it was this kind of photograph which inspired the memorial's creation.

As stated in the resolution, the cost of this inscription shall not be borne by the U.S. Government. Instead, it shall be funded by private donations. I, personally, cannot think of a more appropriate outlet for private donations and I commend the Department of the Interior for this task. Thank you, Mr. Dickenson.

This leads us up to S. 1661 and we have a statement from Senator Grassley, which will be submitted into the record. S. 1661 provides for a land exchange at Effigy Mounds National Monument in Iowa. It is my understanding that this measure is supported by the National Park Service.

[The prepared statement of Senator Grassley follows:]

STATEMENT OF SENATOR CHARLES E. GRASSLEY
PUBLIC LANDS AND RESERVED WATER RESOURCES
SUBCOMMITTEE OF THE COMMITTEE ON ENERGY
AND NATURAL RESOURCES

July 27, 1982

MR. CHAIRMAN, I WOULD LIKE TO TAKE THE OPPORTUNITY TO THANK THE MEMBERS OF THIS SUBCOMMITTEE FOR THEIR CONSIDERATION OF A PROPOSED LAND TRANSACTION BETWEEN THE NATIONAL PARK SERVICE AND A PRIVATE CITIZEN OF THE STATE OF IOWA. ON SEPTEMBER 24, 1981, I INTRODUCED S. 1661, WHICH WOULD AUTHORIZE THE SECRETARY OF INTERIOR TO ACCEPT APPROXIMATELY FOUR ACRES OF LAND ADJACENT TO THE EFFIGY MOUNDS NATIONAL MONUMENT IN RETURN FOR THE CONVEYANCE OF THREE ACRES OF MONUMENT LAND. THIS LAND, LOCATED IN ALLAMAKEE COUNTY, IOWA, IS OWNED BY JAMES R. TEASER.

IT IS MY UNDERSTANDING THAT THE EXCHANGE OF THESE PROPERTIES OF APPROXIMATELY EQUAL VALUE WOULD NOT RESULT IN INCREASED COSTS OR OTHERWISE BURDEN THE FEDERAL GOVERNMENT. RATHER, THE PROPOSED TRANSACTION WOULD REGULARIZE THE BOUNDARY, SIMPLIFY THE ADMINISTRATION AND IMPROVE THE RESOURCES PROTECTION OF THE EFFIGY MOUNDS NATIONAL MONUMENT. THE TEASER LAND TRACT REPRESENTS THE SOLE ROUTE OF ACCESS TO THE SERIES OF PREHISTORIC INDIAN MOUNDS OVERLOOKING THE MISSISSIPPI RIVER. THE INCLUSION OF THIS PROPERTY WITHIN THE BOUNDARIES OF THE MONUMENT LAND WOULD FACILITATE THE PATROLLING BY PARK PERSONNEL AND STATE CONSERVATIONISTS AGAINST ILLEGAL POACHING AND HUNTING.

I AM PLEASED TO NOTE THE STRONG SUPPORT FOR THE ENACTMENT OF THIS BILL BY THE ADMINISTRATION. I WOULD ALSO LIKE TO POINT OUT THAT THE TEXT OF THIS LEGISLATION IS SIMILAR TO LANGUAGE INCLUDED IN S. 924, WHICH PASSED THE HOUSE AND SENATE IN THE 96TH CONGRESS BUT FAILED TO SECURE FINAL APPROVAL BY THE CONGRESS IN THE CLOSING DAYS OF THE SESSION. I AM HOPEFUL THAT FAVORABLE CONSIDERATION OF S. 1661 BY THE DISTINGUISHED MEMBERS OF THIS SUBCOMMITTEE WILL RESULT IN THE TIMELY CONGRESSIONAL APPROVAL OF THIS TRANSACTION.

STATEMENT OF HON. RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, RELATING TO S. 1661

Mr. DICKENSON. Mr. Chairman, I believe that you have available to you a small map which illustrates the exchange of land which we desire to have here. In the yellow, we have a 4-acre piece of private property which is owned by Mr. Teaser. This is a privately owned inholding within Effigy Mounds National Monument.

The national monument is located in northeastern Iowa, overlooking the Mississippi River. This is used by Mr. Teaser for grazing purposes but there are difficulties of access and other reasons which have caused Mr. Teaser and the U.S. Government to consider this exchange.

The green is owned by the Federal Government. It is of approximately equal size and approximately equal value, and what is proposed by S. 1661 is to authorize this exchange, and we totally support that.

Senator MURKOWSKI. Thank you, Mr. Dickenson.

From the scale map, it appears that the Government's ownership is smaller. That's not correct, is it?

Mr. DICKENSON. The Teaser property is actually 4 acres and the Federal property is about 3 acres. It is of approximately equal value and so all parties concerned are happy with this exchange.

Senator MURKOWSKI. Rather than pursue that any more, we'll settle for that.

[The prepared statement of Mr. Dickenson relating to S. 1661 follows.]

STATEMENT OF RUSSELL E. DICKENSON, DIRECTOR NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES ON S. 1661, A BILL "TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACQUIRE CERTAIN LANDS BY EXCHANGE FOR ADDITION TO EFFIGY MOUNDS NATIONAL MONUMENT IN THE STATE OF IOWA, AND FOR OTHER PURPOSES."

JULY 27, 1982

MR. CHAIRMAN, ON BEHALF OF THE DEPARTMENT OF THE INTERIOR, I AM PLEASED TO APPEAR BEFORE YOU TODAY TO OFFER TESTIMONY ON S. 1661, A BILL "TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ACQUIRE CERTAIN LANDS BY EXCHANGE FOR ADDITION TO EFFIGY MOUNDS NATIONAL MONUMENT IN THE STATE OF IOWA, AND FOR OTHER PURPOSES."

WE STRONGLY SUPPORT THE ENACTMENT OF THIS BILL.

SUBSECTION (a) OF S. 1661 AUTHORIZESTHE SECRETARY TO ACCEPT A PARCEL OF LAND, COMPRISING ROUGHLY 4 ACRES ADJACENT TO THE MONUMENT AND LYING SOUTH AND EAST OF COUNTY ROAD 561, IN RETURN FOR THE CONVEYANCE OF SOME 3 ACRES OF MONUMENT LAND LOCATED NORTH AND WEST OF THE ROAD. THE EXCHANGE WOULD BE ACCOMPLISHED WITHOUT MONETARY CONSIDERATION, AND THE 4 ACRES ACQUIRED BY THE SECRETARY WOULD BECOME PART OF EFFIGY MOUNDS NATIONAL MONUMENT, SUBJECT TO ALL APPLICABLE LAWS AND REGULATIONS. SUBSECTION (b) OF THE BILL PROVIDES A LEGAL DESCRIPTION OF THE AFFECTED PROPERTIES.

EFFIGY MOUNDS NATIONAL MONUMENT WAS ESTABLISHED BY PRESIDENTIAL PROCLAMATION ON OCTOBER 25, 1949, TO PROTECT A SERIES OF UNIQUE, PREHISTORIC INDIAN MOUNDS, OVERLOOKING THE MISSISSIPPI RIVER IN NORTHEASTERN IOWA. WITHIN THE MONUMENT'S 1,475 ACRES, ARE SOME 200 KNOWN MOUNDS, 29 IN THE FORM OF BEAR

AND BIRD EFFIGIES AND THE REMAINDER CONICAL OR LINEAR SHAPED. AMONG THE MOST OUTSTANDING IS THE GREAT BEAR MOUND, WHICH IS 70 FEET ACROSS THE SHOULDERS AND FORELEGS, 137 FEET LONG, AND 3½ FEET HIGH.

WE HAVE NO INDICATION OF ANY CULTURAL OR ARCHEOLOGICAL MATERIAL ON EITHER PARCEL OF LAND DESCRIBED IN THE BILL. THE EXCHANGE IS PROPOSED TO REGULARIZE THE BOUNDARY, SIMPLIFY ADMINISTRATION, AND IMPROVE RESOURCE PROTECTION.

THE 3-ACRE MONUMENT PARCEL PROPOSED FOR DELETION IS ISOLATED FROM THE MAIN BODY OF THE PARK BY COUNTY ROAD 561. TRIANGULAR IN SHAPE, THE LAND RISES STEEPLY FROM THE COUNTY ROAD TO A HEIGHT OF 90-100' ABOVE THE ROAD BED. THERE IS A LEVEL BENCH AT THE TOP WHICH IS ACCESSIBLE ONLY FROM THE TEASER PROPERTY BEHIND. BECAUSE OF ITS INACCESSIBILITY, IT IS NOT REGULARLY PATROLLED. MAINTAINING FENCES, BOUNDARY MARKERS AND WARNING SIGNS ARE CONSIDERED AN OPERATIONAL LIABILITY BECAUSE OF THE TERRAIN.

THE 4-ACRE PARCEL TO BE ACQUIRED IS OWNED BY JAMES R. TEASER, THE INDIVIDUAL WHOSE HOLDINGS ALSO PROVIDE THE SOLE ROUTE OF ACCESS TO THE ISOLATED MONUMENT LAND. THE TRACT IS SIMILARLY TRIANGULAR IN SHAPE. HOWEVER, IT IS EASILY OBSERVED FROM THE ROAD, AND THUS EASIER TO PATROL. WARNING SIGNS AND BOUNDARY MARKERS WOULD BE PLACED ALONG THE ROAD MAKING THEM EASIER TO MAINTAIN AND MORE VISIBLE.

IN THE PAST, THE TEASER TRIANGLE HAS BEEN USED AS AN ESCAPE ROUTE AND SANCTUARY BY POACHERS AND GINSENG HUNTERS RAIDING THE PARK, MUCH TO THE FRUSTRATION OF PARK PERSONNEL AND STATE CONSERVATION OFFICERS. IF THE

MONUMENT BOUNDARY WERE CONTIGUOUS ALONG ONE SIDE OF THE ROAD, VIOLATORS WOULD BE UNABLE TO SCREEN THEIR ILLEGAL ACTIVITIES IN THIS "FREE AREA."

MR. TEASER IS EAGER TO COMPLETE THE EXCHANGE. THE LAND ACQUIRED BY MR. TEASER WOULD BE USED PRINCIPALLY FOR GRAZING. THE TRACT TO BE ADDED TO THE PARK, BEING SMALL AND CUT-OFF FROM THE TEASER FARM BY THE ROAD, IS NOT READILY USABLE FOR GRAZING. THE VALUES OF THE TWO PARCELS ARE ROUGHLY EQUAL: THE TEASER TRACT BEING VALUED AT $1,550; THE EFFIGY MOUNDS TRACT AT $1,600. THESE CALCULATIONS WERE PREPARED IN SEPTEMBER, 1980.

MR. CHAIRMAN, THIS COMPLETES MY PREPARED TESTIMONY. I WOULD BE PLEASED TO ANSWER ANY QUESTIONS YOU OR MEMBERS OF THE SUBCOMMITTEE MAY HAVE. THANK YOU.

Senator MURKOWSKI. S. 2308 would require the Department of Agriculture to convey land to Show Low, Ariz. We have Dr. J. B. Hilmon, Associate Deputy Chief, U. S. Forest Service, here with us today.

Please proceed with regard to S. 2308.

STATEMENT OF DR. J. B. HILMON, ASSOCIATE DEPUTY CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE, RELATING TO S. 2308

Dr. HILMON. Thank you, Mr. Chairman. I have a couple of maps that I think will be of assistance.

Senator MURKOWSKI. You may present the maps to the Chair or put them up, whichever you desire.

Dr. HILMON. The first map is just a location map showing the location of Show Low, Ariz., and the tracts proposed in the bill. The arrows point at tract 1 which is the city park, and tract 2 which is the city airport.

Senator MURKOWSKI. Would you identify specifically the area that the Forest Service has that would be given specifically to develop a park and a municipal airport, and indicate again how many acres that consists of?

Dr. HILMON. The two areas shown by the arrows are the—the area he is pointing to now is the city park, that one is No. 1. The second one is Show Low Airport.

Senator MURKOWSKI. How big is the city park?

Dr. HILMON. That is proposed at 52 acres in the bill. There are 4 acres involved in a road right-of-way adjoining the park and 48 acres in the park itself.

Senator MURKOWSKI. Forty-eight acrea would be in the city park, and how much for the municipal airport?

Dr. HILMON. The proposal is for 897 acres to be given to the city for the municipal airport.

Senator MURKOWSKI. And, how much does the Forest Service have?

Dr. HILMON. The Forest Service has all the land in white shown on that map.

Senator MURKOWSKI. How much is that?

Dr. HILMON. Well, that's extensive acreage all around that area. We're proposing, though——

Senator MURKOWSKI. Well, I'm just curious to know in comparison how much the Forest Service has in acreage as to what the airport wants to add and the city park wants to add.

Dr. HILMON. The Forest Service holds all of this area (referring to map) so we have extensive acreage. So, we hold all the acreage that's currently in the airport and in the city park. We would propose--we think that the conveyance that is proposed is excessive for the needs of the city of Show Low, and we would propose conveying the 317-acre tract which is under a permit now to the city for the airport, plus a tract in here of 216-acres which we couldn't utilize effectively if the other conveyance were made.

Senator MURKOWSKI. What do you do with it anyway?

Dr. HILMON. At this time, it's committed entirely to the uses of the city. The 216 acre tract has an electric substation on it and the larger tract has the airport on it. So, it's not being used at this time for other purposes than for the city of Show Low.

Senator MURKOWSKI. Do we have any witnesses from the city of Show Low, Ariz.? I think the mayor—is the mayor—well, I definitely would like to have a statement from the mayor. I believe Senator DeConcini will be here. So, we'll just——

I have a letter here from Senator Goldwater that might be appropriate to read as we're waiting. It's directed to Senator Wallop:

It is with full regret that I find it impossible to be with you today as you receive testimony from my colleague, Senator DeConcini on S. 2308 which would direct the Secretary of Agriculture to convey certain property to the City of Show Low, Arizona.

Show Low has been a community close to my heart as long as I can remember. In fact, at one time, the hospital of the community carried my mother's name, the Josephine Goldwater Hospital. I'm exceedingly well aware of the acreage that we're talking about which would transfer title of about 950 acres of National Forest to the City of Show Low.

Show Low has been using about 900 acres for many years as an airport. The remaining acres were used as a park. I can remember a number of years ago meeting with people from the Department near a settlement called Pinetop. There, with a professional golfer with whom I had gone through grammar school and high school, we outlined visually a natural site for a golf course and the Department agreed.

I assume he means the Forest Service agreed to it.

As has all industry grown, the community of Pinetop, one of the largest summer resorts in the entire State of Arizona has and brings in millions of dollars through there annually.

Completion of the park area by the contribution of this acreage to the city would be in perfect keeping in my mind with what has been going on for many, many years; namely, get the public lands of the West into the hands of private developers so that contributions can be made, not just for the economy, the district or the state and the nation, but for the livelihood and pleasure of those people who call that part of our State home.

I urge that the favorable passage of this legislation from your Subcommittee, and I'm going to ask Senator DeConcini if I may be counted as a cosponsor of this because of its great contributions to our State. I would appreciate your putting this into the record. It will be presented in the record as read and signed by Senator Barry Goldwater.

Let's resolve for the record so I'm sure I know what you're talking about with regard to the land. Was Senator Goldwater's letter basically correct in its description of the land?

Dr. HILMON. I think the Senator's letter added additional acreage from what we have shown in the city of Show Low at this time. We have 48 acres under permit for the city park and 317 acres for the Show Low Airport. And, the proposed bill——

Senator MURKOWSKI. Are both of these, the 48 for the park and 317 for the airport, that's Forest Service land that is available to the city by permit?

Dr. HILMON. Yes, Sir.

Senator MURKOWSKI. And, that permit—what is the renewal on that permit?

Dr. HILMON. It has been renewed annually, I believe, for a number of years since 1946 in one case—anyway, for a number of years.

Senator MURKOWSKI. And, what's the process? Do they just reapply and you repermit?

Dr. HILMON. That's correct.

Senator MURKOWSKI. Is there any consideration given to the Forest Service for that permit?

Dr. HILMON. I don't think there is.

Senator MURKOWSKI. You don't think there is. Is there a precedent set for the Forest Service to charge communities for permits?

Dr. HILMON. There are for certain types of permits, but in this particular case, that type of use, there is a precedent for not charging also.

Senator MURKOWSKI. And, you don't intend to charge for renewal of the permit?

Dr. HILMON. No, Sir.

Senator MURKOWSKI. Now, Senator Goldwater's letter contended that there was some question about the transfer of the title about 970 acres, and it appears right now we've got 368 acres of Forest Service land as being leased under permit, is that not correct?

Dr. HILMON. That's correct. We proposed, though, that we're not objecting to the conveyance of this land to the city of Show Low, sir. We feel that the fair market value should be paid for the conveyance, and we're proposing to convey an additional 216 acres.

Senator MURKOWSKI. In your original statement, you mentioned 897 acres, but they requested the area——

Dr. HILMON. That's correct.

Senator MURKOWSKI. And, you are willing to—you suggested a lesser amount?

Dr. HILMON. That's correct. We're suggesting the 317 acres under permit, plus—in that second parcel—the 216 acres which is in the southwest corner there that would be no longer adjoining our remaining properties, for a a total of 533 acres.

Senator MURKOWSKI. And, they want the 897 which is the big red.

Dr. HILMON. No, they want that entire area that he is circling.

Senator MURKOWSKI. What do they say they want to use it for?

Dr. HILMON. For an airport.

Senator MURKOWSKI. And, you converse with their airport and their plans for their airport?

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Dr. HILMON. We know of no plans for the expansion of the airport.

Senator MURKOWSKI. You are willing to make available an additional 216 acres. At this time, you do so on what basis?

Dr. HILMON. On the payment of fair market value for the land.

Senator MURKOWSKI. Why are you interested in selling the 216 and not the 317.

Dr. HILMON. We're interested in selling the entire 533 acres. In other words, we would like fair market value for the entire conveyance.

Senator MURKOWSKI. Do you have any idea what the fair market value is?

Dr. HILMON. We made some preliminary estimates on a total estimated value without the structures involved for the park tract. This would be in the vicinity of a half a million dollars. For the larger tract for the airport, that's a total of 533, in the vicinity of $2½ million.

Senator MURKOWSKI. So, a half a million dollars for one and $533 million for another?

Dr. HILMON. No, a half a million dollars for the 48-acre parcel and $2½ million for the 533 acres.

Senator MURKOWSKI. What is your evaluation? You say, $2½ million for a total of 533 acres. That's $2¾ million, isn't it? What is the total value you want for the 533 acres?

Dr. HILMON. $2.5 million. That's our preliminary estimate. This would be as unencumbered land.

Senator MURKOWSKI. Unencumbered?

Dr. HILMON. Unencumbered.

Senator MURKOWSKI. And, the land in the area is selling for $4,000 an acre?

Dr. HILMON. That's based on the estimated value of $4,800 an acre.

Senator MURKOWSKI. Is that the market value in the community?

Dr. HILMON. That's our estimated value in that area.

Senator MURKOWSKI. Was it your estimated market value or the estimated market value that are prevailing in the community? Do you have any——

Dr. HILMON. It's based on comparable sales in the area.

Senator MURKOWSKI. In the community. Do you feel consideration was given on the type of use anticipated for the land? For example, you can't subdivide an airport and say that——

Dr. HILMON. No, that's——

Senator MURKOWSKI [continuing]. The land is worth $4,800 an acre if it's going to be put into a subdivision vis-a-vis the chance to have the opening approaches the runway would have and it would be undesirable with the noise would lower that.

Dr. HILMON. The final face value would probably be less because of the current dedicated uses of the land.

Senator MURKOWSKI. So, it would be less than that?

Dr. HILMON. Yes.

Senator MURKOWSKI. So, was this taken into consideration when you developed your market comparison?

Dr. HILMON. No, that——

Senator MURKOWSKI. Was this done by an M.A.I. appraiser?
Dr. HILMON. No, Sir.
Senator MURKOWSKI. Who was it done by?
Dr. HILMON. It was made by a Forest Service appraiser.
Senator MURKOWSKI. Forest Service appraiser?
Dr. HILMON. Forest Service appraiser.
[The prepared statement of Dr. Hilman relating to S. 2308 and the letter from Senator Goldwater follow:]

STATEMENT OF
DR. J. B. HILMON, ASSOCIATE DEPUTY CHIEF,
FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands and Reserved Water,
Committee on Energy and Natural Resources
United States Senate

Concerning S. 2308

July 27, 1982

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

We appreciate the opportunity to appear here today to offer the Department of Agriculture's views on S. 2308. This bill directs the Secretary of Agriculture to convey two parcels of National Forest System land totaling 945 acres to the city of Show Low, Arizona. The land is located on the Sitgreaves National Forest in east central Arizona.

The land would be conveyed without payment by the city. While we recognize the appropriateness of this conveyance, we cannot agree that it should be made without cost. As I am sure you are aware, Mr. Chairman, the President has directed in his Federal Property Review Program, that no-cost conveyances to States and local governments be eliminated and that full compensation be received for Federal lands. Thus, we recommend that the bill be amended to require fair market value for the Federal land conveyed to the city.

The land in question consists of two parcels. The first is a 48-acre portion of a 52.46-acre parcel of Federal land presently under permit to the city for a city park. It has been under continuous permit to the county and city for this purpose since November 1953. The tract has improvements placed by the city under terms of the permit, including a ball park, picnic and sanitary facilities, and parking areas. The property is surrounded by

private lands and is within the developed area of the city. The bill excludes that portion of the tract used as a highway right-of-way, which establishes a portion of the southern boundary of the property. We recommend that the bill require the conveyance to include the entire 52 and one-half acre tract. It would not be in the interest of the United States to retain ownership of a 4.5 acre road right-of-way. Conveyance of the entire tract subject to the right-of-way would have the same practical effect as far as the city's ownership is concerned.

The second parcel consists of 897 acres and contains the Show Low Airport. This use by the city is also under permit with the Forest Service but the permit only provides for use of 317 acres. This permit has continued since November 1946. We are concerned that the 897 acre parcel is excessive as we are not aware of any plans to expand the airport facilities. We recommend that the conveyance be limited to the 317 acres under permit plus a 216-acre addition on the south side of the airstrip in section 16 which would be isolated from the other Federal land if the conveyance were made. The actual acres of this parcel would have to be determined by survey since the acreage cited here has only been estimated. This portion of the parcel contains an electric substation, power and gas lines. We also suggest that, as we did for the other tract, that the conveyance should involve the entire 533 acre area, including the highway right-of-way, so that the United States is not left with a narrow strip of land between city and private ownerships.

We should also point out that if the second parcel were reduced in size to an area actually needed by the city for airport purposes, both parcels could be conveyed under the provisions of the Townsite Act (Act of July

31, 1958) and this legislation would not be needed. That act provides for conveyance to established communities of up to 640 acres of National Forest System land at fair market value in the 11 Western States.

We are in full agreement that conveyance of this National Forest System land to the city of Show Low would be appropriate. Our primary concern is that the Federal Government receive fair market value for the property. A list of our recommended amendments to S. 2308 is attached to this statement.

That concludes my statement Mr. Chairman. I would be happy to answer your questions.

USDA RECOMMENDED AMENDMENTS
S. 2308

1. On page 1, line 6 delete the period and insert "as shown on United States Department of Agriculture, Forest Service map entitled 'Land Conveyance, City of Show Low, Arizona,' and dated July 1982, which shall be on file and available in the office of the Chief Forest Service, Department of Agriculture, and more particularly described as follows:"

2. On page 1, line 4 insert "survey, appraise and" following "to" the first time it appears. Delete "and without consideration" and insert "at fair market value."

3. On page 1, line 8 delete the colon and all that follows through line 23, page 4 and insert "estimated to include 52.46 acres."

4. On page 5 delete all after the colon on line 2 and insert "estimated to include 533 acres".

BARRY GOLDWATER
ARIZONA

United States Senate

WASHINGTON, D.C. 20510

COMMITTEES:
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AVIATION
SCIENCE, TECHNOLOGY, AND SPACE
INDIAN AFFAIRS

July 27, 1982

The Honorable Malcomb Wallop
United States Senate
Washington, D.C. 20510

Dear Mal:

It is with full regrets that I find it impossible to be with you today as you receive testimony on my colleague, Senator DeConcini's bill, S. 2308, which would direct the Secretary of Agriculture to convey certain property to the city of Show Low, Arizona.

Show Low has been a community close to my heart as long as I can remember. In fact, at one time the hospital in that community carried my mother's name, the Josephine Goldwater Hospital. I am exceedingly well aware of the acreage that we are talking about which would transfer title of about 950 acres of national forest to the city of Show Low. Show Low has been using about 900 acres for many years as an airport and the remaining acreage has been used as a park.

I believe there is ample precedent for the Department making this transfer, because I can remember a number of years ago meeting with the people from the Department near a settlement called Pinetop and there, with a professional golfer with whom I had gone through grammar school and high school, we outlined visually a natural site for a golf course, and the Department agreed to it and, as a result of this, there has grown near the community of Pinetop one of the largest summer resorts in the entire state of Arizona that must bring millions of dollars into that area annually.

The completion of the park idea by the contribution of this acreage to the city would be in perfect keeping, in my mind, with what has been going on for many, many years, namely, get the public lands of the West into the hands of private developers so that contributions can be made, not just to the economy of the district, the state, and the nation, but to the livelihood and pleasure of those people who call that part of our state home.

I urge the favorable passage of this legislation from your subcommittee and I am going to ask Senator DeConcini if I may be counted as a cosponsor of this because of its great contributions to our state. I would appreciate your putting this in the Record as if given.

Sincerely,

Barry Goldwater

Senator MURKOWSKI. I would welcome Senator DeConcini at this time.

I think this matter might be expedited, Senator, if you would appear at the witness table. All we have had so far is some discussion on this 2308. We have read a letter submitted for the record by your colleague, Senator Goldwater, and I'm sure you are familiar with that letter. It was very much supportive of the bill, and we have had testimony from the Forest Service represented on your direct left concerning the question of establishing some market value.

It is my understanding that the Forest Service is prepared to offer 533 acres in consideration of value in the neighborhood of $2½ million, and further, it is my understanding that the city wants 48 acres for the city park and about 897 acres for the airport.

And with that, I will listen to your statement.

STATEMENT OF HON. DENNIS DeCONCINI, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator DECONCINI. Mr. Chairman, I think you know as much or more about it than I do at this point from your brief summary, and I appreciate the earnestness in which you address all of these different legislative matters that are before you, and I mean that sincerely. The people of Arizona are most indebted to the time you have taken, not only on this bill, but on a number of problems facing our State as well as others.

The bill we are discussing today is a fairly simple one, and one that addresses a situation which is unique and which requires individual attention. Although the bill may not seem large in magnitude when considered within the spectrum of world affairs, it is a matter of great importance to the residents of Show Low, Ariz.

This city is a very small community surrounded by the Apache National Forest. For many years, the city has occupied certain parcels of national forest land for use as the Show Low city park and the Show Low airport. This legislation would transfer title from the U.S. Forest Service to the city.

There are at least two statutes under which the Forest Service can make land adjustments of this type: The National Forests Townsite Act of 1958, as amended, and the General Exchange Act of 1922, as amended. However, both authorities require compensation, by land or by cash, at fair market value. Although this requirement is eminently fair and necessary in some circumstances, I believe there are certain conditions that deserve consideration by the Congress. For example, it is obvious the Show Low parcels of land have no current value as national forest lands and will continue to be used only as a park and an airport.

Also, the city does not have sufficient capital resources to make a land purchase of that size and possibility of land exchanges are apparently very limited.

The park and the airport facilities have a lot of residents in the surrounding unincorporated areas, and the residents of other small communities. Added to this traffic is that of the out-of-State tourists who arrive to enjoy the national forest resources.

Mr. Chairman, the mayor of Show Low, Hon. Ellis B. Qualls, is here today to lend his expertise to the committee and is available to answer any questions the committee may have. I think it's only fair to say that the committee deserves to have a full statement before them as well as the financial situation of the city of Show Low.

I would like at this point to ask that in lieu of taking more of the committee's time, the statement prepared by the mayor be inserted in the record. Also, I thank him for traveling a great distance and his leadership. I also commend you, Mr. Chairman, for your continued hearings on this bill and doing so expeditiously. I would ask that positive action be taken on the bill which is so important to the residents of this small Arizona community.

Senator MURKOWSKI. Thank you, Senator DeConcini. I would be very interested in having Ellis Qualls come up to the witness table and make a statement relative to the posture of his community and the ability to avail himself of the offer of the Forest Service, to make some 533 acres available on a fair market basis, and also relative to the city's position as to what that would do to the assessed valuation of the city, if that land were acquired and what the proposed use of that land is.

I might also, for the record, appreciate comments on what the land in question is being used for now.

With that, mayor, we welcome you before the committee and it's a pleasure to have you here. I don't know if you are responsible for bringing the warm weather to Washington, but I hope when you leave, you will take the humidity with you.

Please proceed.

STATEMENT OF HON. ELLIS B. QUALLS, MAYOR, CITY OF SHOW LOW, ARIZ.

Mayor QUALLS. Thank you very much, Mr. Chairman. Aside from the statement that I have asked entered into this, I would like to——

Senator MURKOWSKI. It will be so noted in the record.

Mayor QUALLS. OK. I would like to kind of clear up a few things. The original airport was approximately 897 acres originally. This was reduced for some reason when the county had it, and all we have left at the present time is it's right next to the runways. This would be very embarrassing if the property next to the runways got into private hands and then built on. I have no idea why it was reduced, but it was reduced.

The 897 acres, we're asking for the original permit that was done when the county had it originally. This was reduced about 3 years before the city took it over from the county. The park—as you can see, the city has grown up completely around the park. It doesn't resemble any forest at all and never will be forest. And, the airport, we have grown around at least two sides of it. So, it will never be anything I think except for an airport.

The city budget is approximately $2.5 million this year.

Senator MURKOWSKI. What is the assessed valuation?

Mayor QUALLS. You know, I'm kind of embarrassed. I should know that. I just have no idea. Do you mean the park?

Senator MURKOWSKI. No, on a tax-paying basis.

Mayor QUALLS. I just have no idea. I really don't.

Senator MURKOWSKI. Are there any scheduled carriers into the airport?

Mayor QUALLS. Right at the present time, we have Ponderosa Airlines which is a commuter airline.

Senator MURKOWSKI. How often do they come in?

Mayor QUALLS. They come in twice a day.

Senator MURKOWSKI. Now, the airport presently has 317 acres?

Mayor QUALLS. Yes. And that just follows the guidelines——

Senator MURKOWSKI. What is the length of the runway?

Mayor QUALLS. The length of the runway—one runway is 6,000 feet. The other one is 4,000.

Senator MURKOWSKI. With the additional 216 acres proposed by the Forest Service, which would create 533, and a request of the city to increase it to about 897 would be—what's the reason for the additional acreage for the airport?

Mayor QUALLS. The reason for the additional acreage is because it was an airport permit at one time, and why it was——

Senator MURKOWSKI. What are you going to use it for?

Mayor QUALLS. Airport, strictly airport.

Senator MURKOWSKI. Well, if you're operating—my question is based on this. You are operating an airport with 317 acres now.

Mayor QUALLS. This is true.

Senator MURKOWSKI. You've got a 6,000-foot runway and a 4,000-foot runway and a commuter twice a day that probably can operate on a 3,500-foot runway. But that's neither here nor there. And then you are going to increase the usage up from 533 offered to 897. My question is an obvious one. Why is that necessary? What do you see happening that makes it necessary for that additional acquisition of Federal land?

Mayor QUALLS. OK. I really think that it will protect the taxpayers in the future from the standpoint of encroachment. Now, not too long ago, people got together and wanted Luke Air Force Base moved because they had built a few homes too close to it, and this is the same thing they are feeling, I'm afraid, in Show Low.

Senator DECONCINI. Mr. Chairman, if I could just add——

Senator MURKOWSKI. Senator DeConcini?

Senator DECONCINI. My knowledge is not nearly as comprehensive as the mayor's, but let me say that the original permit being 897 was obviously a natural figure to go to for protection of the use of that airport. This is a very fast growing part of our State. In the summertime, it is really inundated, and I've traveled there many, many times. So I think it would be part of a safety precaution as well to go back to the original permit.

Senator MURKOWSKI. As it is established now with the Forest Service, it would remain in its current status. There would be no homes or likelihood of development unless the Forest Service sold it. The FAA, have they given any report of a necessity from the standpoint of public safety of additional land being recommended for this airport?

Mayor QUALLS. I don't believe the FAA has, but, you know, just from the encroachment——

Senator MURKOWSKI. Does the city operate the airport?

Mayor QUALLS. Yes, it does.

Senator MURKOWSKI. Do you collect landing fees?

Mayor QUALLS. Yes.

Senator MURKOWSKI. What are your landing fees?

Mayor QUALLS. Our landing fees per year?

Senator MURKOWSKI. What does your income generate in, say, a year?

Mayor QUALLS. I would say we are probably looking at $4,000 a year.

Senator MURKOWSKI. Do you have any full-time employment at the airport?

Mayor QUALLS. Yes. We have three full-time employees.

Senator MURKOWSKI. Do you suppose that you could provide for the record during the next 10 days to 2 weeks when the hearing record is over, some justification for the necessity from the standpoint of public convenience or safety to have additional acreage. What I'm trying to do, and I think you are aware, is to justify the additional need. You didn't have an original need, but I think you have operated with the 317 acres, and now there is a proposal of 216 more, and you want 897. I think in justification for the record, there should be some testimony of specifics of what it is needed for. In any case, I'm sure that still we have the value question that we haven't discussed and I would like to go to that very briefly.

I assume you know what values are in your area. The proposal here is over $4,000 an acre. What is land selling for?

Mayor QUALLS. Well, land actually in the private sector is selling anywhere from $4,000 to $10,000 an acre inside the city of Show Low.

Senator MURKOWSKI. Do you think this is a good exchange for the community and the Federal Government, assuming you can finance the acquisition of this land?

Mayor QUALLS. Well, I could never see how the city could possibly ever acquire it. Financially, we are unable to.

Senator MURKOWSKI. Well, let's assume that you acquired it and acquired 533 acres and decided you only needed 317 to operate the airport which is what you are operating now and sold the 217 acres for $6,000 or $7,000 an acre.

Mayor QUALLS. I see no problem there with selling it. I think it would never be sold if it was given to us for an airport. In any event, it would never be——

Senator MURKOWSKI. Well, I think we have a situation here with the Forest Service suggesting that they should have fair market value, and the city is asking for a greater amount of land than under the current system which is a permit.

Senator DECONCINI. Mr. Chairman.

Senator MURKOWSKI. Senator DeConcini.

Senator DECONCINI. Mr. Chairman, perhaps the mayor can respond to a question of some restrictions on the land for city use, so it will not be a possible windfall to the city because that is not the intention—and your question is relevant, indeed, and very appropriate from the standpoint of the city ending up making some money on the land—it's never been the intent here and I don't think it would be. And I thought maybe the mayor would like to

respond in such restrictions in the event that the land was transferred.

Mayor QUALLS. Yes; I would be happy to make that part of the sale, and I think I'm speaking for the entire council on 100 percent that if the city was ever to convey that into private hands, it would revert back to the Forest Service.

Senator MURKOWSKI. I assume you have the availability of the city attorney.

Mayor QUALLS. Yes.

Senator MURKOWSKI. It would be appropriate for you to submit for the record during the hearing period just what kind of a proposal he would consider to insure us that, Senator DeConcini that there is not the potential of a windfall profit here if this were considered, and I think if you stress some alternatives, get the advice of your council, and the counsel for the city as well.

I'd like to ask also, Dr. Hilmon. This land in question which is the difference between the 897 which they want and 317 which they are using which is 216 acres. What is on it?

Dr. HILMON. That 216 acres, that is a facility on it. I've forgotten. It's some kind of a—I think it's a power transformer.

Senator MURKOWSKI. A power transformer.

Dr. HILMON. A substation.

Senator MURKOWSKI. Does that belong to the city or a utility?

Dr. HILMON. APS.

Senator MURKOWSKI. Does the utility have a permit on it with the Forest Service?

Dr. HILMON. Yes, they do.

Senator MURKOWSKI. So it's a separate lease between the Forest Service and the utilities, and it's really not your main utility. So there are easements that have been granted. What does the Forest Service do with it?

Dr. HILMON. Excuse me?

Senator MURKOWSKI. What do you do with it, 216 acres.

Dr. HILMON. We just committed it to the use to which it's being made now.

Senator MURKOWSKI. Well, you've got a permit for a power substation on all 216?

Dr. HILMON. There is a power substation and there are electric power lines and things of that type, utility type lines. That's the only uses that we make of it, I guess, at this time.

Senator MURKOWSKI. So there are easements that have been granted. What do you plan to do with it? Sell it, or make it available to the city under permit?

Dr. HILMON. We would try to exchange it for other private land as an inholding with the national forest. In other words, we don't expect to commit it to other uses at this time than those which are being made of it.

Senator MURKOWSKI. But it has no use now by the Forest Service?

Dr. HILMON. That's correct.

Senator MURKOWSKI. Does it have anything on it, I mean vegetation, small trees, little trees?

Dr. HILMON. Maybe the mayor could answer that.

Mayor QUALLS. No trees. It's grazing land.

Senator MURKOWSKI. Is there anything grazing on it?

Mayor QUALLS. Cattle, but not on this particular tract, I don't believe.

Senator MURKOWSKI. Is there a fence that separates the land from the airport, or how do you keep the cattle out of there?

Dr. HILMON. I think it's fenced.

Senator MURKOWSKI. OK. Well, I gather, then, from your testimony, the Forest Service has no particular use for the land?

Dr. HILMON. We don't object to conveying that land to the city. Our only concern is obtaining the fair market value.

Senator MURKOWSKI. Do you have any suggestions on how the city might pay for it?

Dr. HILMON. We would be happy to explore a term type payment, a downpayment, so much over several years. We would be required to charge interest on the unpaid balance and that sort of thing. But, we could look and explore that opportunity.

Senator MURKOWSKI. I don't mean to make any insinuations, but an old time banker used to say, you can't get blood out of a turnip. In deference to the mayor, I don't like to make any implications, but by the same token, I would be happy to have the parties involved pursue the likelihood of some type of payment.

Senator DECONCINI. Mr. Chairman?

Senator MURKOWSKI. Senator?

Senator DECONCINI. I don't want to throw cold water on the prospects of payment, but as you are familiar coming from a State where the Federal Government is the main owner of land, Arizona, only 15 percent privately owned, this county is less than 10 percent privately owned land. So, with the good neighbor policy that the administration has indicated, the various Secretaries have spoken out in the West over the past couple of years, and in past administrations, it is our hope that with the proper restrictions that would satisfy the committee that the property could be transferred without a monetary obligation as long as they don't have the money, nor does the State of Arizona.

Senator MURKOWSKI. I thank the Senator. The Chair will certainly entertain a discussion over a transfer on a monetary basis if the parties wish to pursue it. If there is no likelihood of payment, obviously, there is no point in pursuing it.

I think we had very valuable testimony here from the mayor and the Forest Service and certainly the very able Senator DeConcini. With regard to the situation that does exist—and I do very much understand and appreciate the situation in regard to Western States, the land peculiarities and inequities somehow fall on our States with regard to public land and the lack of privacy.

I take it that we have pretty well for the record established the clarity of what is desired here, and I want to commend Dr. Hilmon on the manner in which he presented the Forest Service's case in the interest of the Federal Government in this regard. And, also you, mayor, I want to thank you for traveling out here and I want to assure you on behalf of myself and the other members of the committee that it was extremely worthwhile for you to come out and you can go back to your council and we'll look forward to having some material from you relative to your proposed use of the amount of land that you are requesting. and I assume also that as

an alternative you will be willing to continue to obtain the existing land you have on a permit or more land if you decide a need for it on a permanent basis—permit basis, but ideally, you would like to have the land transferred to you, and you would be willing to restrict certain covenants to the use of that land.

Is there anything we have overlooked? Senator, thank you. Thank you all very much.

[The prepared statement of Mayor Qualls follows:]

STATEMENT FROM THE CITY OF SHOW LOW IN SUPPORT OF S.2308

July 27, 1982

Subcommittee on Public Lands & Reserved Water
Committee on Energy & Natural Resources
United States Senate
The Honorable Malcolm Wallop, Chairman

Mr. Chairman:

On behalf of our City Council and the citizens of our community, I would first like to take this opportunity to thank you and your Subcommittee for holding this hearing and allowing us to submit this testimony.

Let me begin by explaining that Show Low is a small (4,298) rural community located in the White Mountains (6,331 ft.) of northeastern Arizona. We have a very large need, but very limited resources because of our small size. Our municipal park and airport currently exist on Forest Service land which used to be located some distance from our community when development first started. Now our community has grown completely around the park and is beginning to surround the airport. Although these community facilities are still administered under a Forest Service Use Permit, they are both so highly developed, utilizing federal, state and local money, that they will realistically never be returned to forest use again.

While the Forest Service admits to the desirability of conveying the property within the Show Low City Park and the Show Low Airport into City ownership, the Forest Service continues to argue that this conveyance should take place within the confines of the National Forest's Townsite Act of July 31, 1958 (72 Stat. 438, as amended; 7 U.S.C. 1012a), and as further amended by Section 213 of the Federal Land Policy and Management Act of October 21, 1976 (7U.S.C. 1212a; 16 U.S.C. 478a), and the General Exchange Act of March 20, 1922 (42 Stat. 465, as amended; 16 U.S.C. 485, 486). I must respectfully disagree with them for the following reasons:

1. I believe the Show Low situation to be a special and unique case. I also believe that even the Forest Service would agree that Show Low's park and airport will never again be anything except a park and an airport, under the City's management, for the use of the general public. In other words, the land which the park and airport sit upon has not been for a long time, nor will it ever be again, part of the "forest".

2. The City of Show Low does not now, nor will it probably ever, have sufficient capital resources to make a land purchase of that magnitude.

3. Both our park and airport are heavily used by the residents of the surrounding unincorporated area. In fact, we find that the majority of baseball players who use the facilities in our park, and the airplane owners who use the tie down spaces at our airport, reside outside our city limits. For these reasons, even if we could afford it, I see no logical reason why the taxpayers of our City should have to foot the bill for the rest of the unincorporated areas surrounding our community.

4. It makes no sense to us for the Forest Service to continue to administer these use permits when their valuable time could most probably be better spent on more productive and forest related activities. I offer the following examples of the substantial interchanges which must take place between the Forest Service and the City of Show before even a small project can be accomplished at either our airport or park.

(a) On March 28, 1980, the City of Show Low applied to the Forest Service to have the Use Permit for the airport transferred from Navajo County to the City. We were informed that this could not be done, and that a new Use Permit would have to be issued to the City. The new permit would require among other things: a fee clause definition system for the purpose of reporting sales which included; "...the rental of furnished or unfurnished cabins, cottages, housekeeping rooms, condominiums,...the rental of camping spaces, trailer spaces, horses, trailers, and other equipment, such as boats, and charters of ski and snow play equipment, snowmobiles..." The proposed permit would also have required Forest Service approval for "...signs, fences, "nameplates", mailboxes, newspapers boxes, boathouses, docks, pipelines, and television antenna." We felt these and many other provisions of the proposed twelve page use permit to be unrealistic, and we requested the Forest Service to develop a more realistic one. Six months later, on September 17, 1980, we finally had reached agreement and were in receipt on a more realistic permit. Unfortunately, agreement could not be reached until a meeting was held between the Show Low City Council, local members of the Forest Service, members of the next higher Forest Service echelon in Springerville, members from a still higher Forest Service echelon in Albuquerque, a representative from the Federal Aviation Administration in Los Angeles, a member of the Arizona State Department of Aeronautics, and a member of Senator DeConcini's staff. This represented a waste of time for everyone. The City's file on the use permit for the airport measures about an inch, and represents hours of wasted staff time. Since our City is small, it possesses a correspondingly small staff. For this reason, such a drain on their time is a crying shame. Perhaps the Forest Service has plenty of staff and time to burn?

(b) Each time the City wishes to make any changes at the park not already covered by a Forest Service approved master plan we get bogged down in a sea of paper work. We must initiate the process by writing a letter to the Forest Service requesting permission to do whatever needs to be done. Then the Forest Service responds by requesting more information, clarification and/or transmitting more forms to be filled out. A classic case in point is our City's simple request to have a caretaker reside at the park in order to prevent the high levels of vandelism we have been experiencing. For some reason the Forest Service needed more information, including whether the gates which were covered by an earlier request had been installed (evidently they are blind), the size of the trailer (what difference does that make?) and a location map. Recently we made a request to deviate from the park master plan and construct a ramada at a different location. Before the Forest Service will render a decision they must have clarification concerning the size of the fireplace to be built at one end, the materials to be used to construct the fireplace (what difference does that make?),

and the dimensions of the parking lot.

These are just a few examples highly illustrative of the time and energy which both the City of Show Low and the Forest Service must expend in order to administer the park and airport under the present situation. I cannot believe that the Forest Service really cares about the size of the gates we install, the number and size of the nameplates we put on our desks, whether we build a fireplace out of brick or stone, etc. Due to staffing cutbacks in all Federal agencies, including the Forest Service, the time of those still on the job would be better spent dealing with something more important. I know our staff's time could be better spent elsewhere, but in order to get anything productive accomplished we have no choice.

To sum it up then, the City of Show Low cannot afford to either purchase or trade for the park and airport land, either now or in the foreseeable future. Thus, if something is not done, we will continue to exist the way we are, with the Forest Service spending an exorbitant amount of time and effort in order to determine what color of paint we will be able to use, when the lands they are administering bear no resemblence to "forest land" any more.

I also wish to point out that S. 2308 is in keeping with the spirit of returning local control to the local level. The Department of the Interior is proceeding along these lines, why not the Department of Agriculture?

I have also enclosed a letter of support from the Governor of Arizona, the Honorable Bruce Babbitt.

In view of the above, I urge the Subcommittee on Public Lands and Reserved Water to give favorable consideration and a "do pass" recommendation for S. 2308.

Respectfully Submitted,

Ellis B. Qualls

Ellis B. Qualls, Mayor
City of Show Low

Attach. No. 1 Excerpts From Proposed Forest Service Use Permit
Attach. No. 2 Forest Service Letter of September 23, 1980
Attach. No. 3 Forest Service Letter of July 2, 1982 and Supporting Documents
Attach. No. 4 Governor Babbitt's Letter of June 21, 1982
Attach. No. 5 Secretary of the Interior Watt's letter of February 4, 19

Excerpts From The Use Permit For The Show Low
Municipal Airport Originally Proposed By The Forest Service

the authority of this permit, available for analysis by qualified representatives of the Forest Service or other Federal agencies authorized to review the Forest Service activities. Review of accounting books and supporting records will be made at dates convenient to the permittee and reviewers. Financial information so obtained will be treated as confidential as provided in regulations issued by the Secretary of Agriculture (36 CFR 200.6(f)).

The permittee will retain the above records and keep them available for review for three years after the end of the year involved, unless disposition is otherwise authorized by the Forest Service in writing.

G. Fee Clause Definitions, Graduated-Rate Fee System

For purposes of recording and reporting sales, and sales-related information including the cost of sales, the activities of the concessioner are divided into:

Service, Cars. Includes servicing and the sale of fuels, lubricants, accessories, and all kinds of articles used in servicing and repairing autos, boats, snowmobiles, aircraft, etc. Maintenance and overhaul is included in this category.

Merchandise. Includes the sale of miscellaneous clothing and such items as hardware, souvenirs, and gifts. Bait, fishing rods, reels, boats, motor and boating accessories are included as well as other sporting equipment and clothing sales. Where a "Service, Cars" category of business is not established by this permit, the sale of auto accessories is included in this category. The sale of soft drinks, other vending machine merchandise, and aircraft supplies (e.g. maps, navigation equipment, etc.) is included in this category.

Rentals and Services. Includes the rental of furnished or unfurnished cabins, cottages, housekeeping rooms, condominiums, motel units (where daily maid service is not furnished by the permittee), etc., and the rental of camping space, trailer space, horses, trailers, and other equipment rentals. Also included are services such as barbershops, and amusements, such as billiards. Includes the rental of marina-type equipment, such as boats, motors, boat docks and boat moorings, and boat launching. Rentals and charters of ski and snow play equipment, snowmobiles, aircraft, and automobiles are also included. Aircraft tie-down charges are included in this category.

Gross Fixed Assets (GFA) is the total cost of improvements, equipment, and fixtures necessary and used to generate sales and other

B. Fire Control Plan

The permittee shall join the Forest Service in preparing a fire plan which shall set forth in detail the plan for prevention, control, and extinguishing of fires on the permitted areas and within his area of responsibility defined on an included map. Such plans shall be jointly reviewed and revised at intervals of not less than three (3) years.

C. Fire Prevention and Suppression

The permittee shall do everything reasonably within its power and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon request of the Forest Service to prevent and suppress fires on or near the lands to be occupied under this permit.

D. Fireworks

No fireworks shall be stored or used on the land covered by this permit, or in the structures thereon.

24. Fencing

Fence Requirements. The permittee shall construct and maintain a fence to standards required by the Federal Aviation Administration. The Forest Service shall be given the opportunity to review and concur in the fence standards and location.

25. Miscellaneous

A. Implied Permission

Nothing in this permit shall be construed to imply permission to build or maintain any structure not specifically named on the face of this permit, or approved by the Forest Service in the form of a new permit or permit amendment. Additional structures requiring specific approval shall include, but are not limited to: signs, fences, nameplates, mailboxes, newspaper boxes, boathouses, docks, pipelines, and television antenna.

B. Archeological-Paleontological Discoveries

If, during excavation work, items of substantial archeological or paleontological value are discovered, or a known deposit of such items is disturbed, the permittee will cease excavation in the area so affected. He will then notify the Forest Service and will not resume excavation until written approval is given.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Lakeside Ranger District
P. O. Box 488
Lakeside, Arizona 85929

2720
September 23, 1980

Mr. Jon Devner
City Manager, City of Show Low
P. O. Box 468
Show Low, Arizona 85901

Dear Mr. Devner:

This letter is in response to your letter of September 11, 1980 and a request to locate a caretaker trailer in Show Low City Park.

We need some additional information from you regarding this matter before we can make a decision.

Were the gates we authorized you to place in our letter of April 21, 1980, ever placed?

Were they effective in solving the problem?

What size trailer are you desirous of placing? At what location within the Park would you like to place it?

A map or park layout plan showing the desired site would be helpful.

The answers to these questions will help us make a better evaluation of the problem and your request.

Sincerely,

Adrian Hill

ADRIAN HILL
District Forest Ranger

Attach. No. 2

6200-11 (1/69)

United States Department of Agriculture
Forest Service
Lakeside Ranger District
P. O. Box 488
Lakeside, AZ 85929

Reply to: 2720

Date July 2, 1982

City of Show Low
ATTN: Jon L. Devner, City Manager
P. O. Box 468
Show Low, AZ 85901

Dear Mr. Devner:

Thank you for your letter of June 22, 1982 concerning the construction of an additional ramada at the David C. Porter Park under special use permit from the Forest Service. There are some additional questions that need emphasis and clarification:

1. Please remember that the site recommended for the ramada must be within the prescribed acreage designated for the park. Boundaries between the park and private land are not monumented at this time.

2. In reviewing the ramada specifications, it is not clear as to dimensions of the fireplace to be built at one end, and the materials to be used.

3. It is desirable that we have the dimensions of the parking lot to be constructed and cindered.

In addition to answering these questions, would you please fill out the enclosed special use application and report form, Part I, as accurately and completely as possible and return to this office for processing. This procedure is necessary in order that the proper description of the improvement can be authorized under amendment to your present permit.

Sincerely,

Robert O. Wagenfehr

ROBERT O. WAGENFEHR
District Forest Ranger

Enclosure

Attach. No. 3

FS-6200-11 (8-80)

"NAMED BY THE TURN OF A CARD"

City of Show Low

P.O. Box 468
SHOW LOW, ARIZONA 85901
537-5724

June 22nd, 1982

Mr. Robert Wagenfehr
District Forest Ranger
Lakeside Ranger District
P.O. Box 488
Lakeside, Arizona 85929

Re: Special Use Permit for Show Low City Park

Dear Mr. Wagenfehr:

Enclosed you will find a copy of the Master Plan for the David C. Porter Park within the City of Show Low. The original Master Plan provides for an additional ramada to be constructed at some future date.

The existing ramada is extremely popular during our fair weather season, and is booked many months in advance for use on the weekends. As a result of this, our City Council recently approved the construction of a new ramada site which will hopefully be constructed next spring.

Our Parks and Recreation Commission has recommended a change in the proposed location for this facility. Please refer to the enclosed Master Plan as their site recommendation is designated on it. They feel it would be more desirable to locate the new ramada further away from the existing facility so that activities of groups using the ramadas during the same time period would not interfere with one another. The newly proposed site is also much closer to existing utilities.

The plans for this ramada include a twenty-five by fifty feet cement slab, metal uprights with metal roofing. The parking area will remain as shown on the original Master Plan, and will be cindered. Although it will be necessary to cut some trees down, this will be kept to a minimal.

If you would like to make a site inspection of the park, please contact Mr. Wendell Whipple, our Public Services Director. He can be reached at 537-5726.

Thank you for your consideration of this matter.

Sincerely,

Jon L. Devner
City Manager

Encls.

JLD:ds

PART II - REPORT ON APPLICATION (To be completed by Forest Officer)

1. General description of the area and adaptability for the proposed use. Outline area on separate Map Sheet if needed to clarify proposed use. (Use Field Map Sheet Form 5400-20, if needed)

2. If previously under permit indicate:

a. _____ (Name of Permittee) b. _____ (Date of Permit) c. _____ (Date Closed)

3. Describe any encumberances on the land, such as withdrawals, power projects, easements, rights-of-way, mining claims, leases, etc. Show on map provided or on Form 5400-18.

4. State approximate amount and kinds of timber to be cut, recommended stumpage prices, method of scaling; include recommendation on disposal of merchantable timber (a) to permittee at current damage appraisal or (b) to others than permittee under regular timber sale procedure.

5. Is the proposed use in conformity with the Multiple Use Plan? ☐ Yes ☐ No

Environmental Analysis prepared? ☐ Yes (Attach) ☐ No

Environmental Impact statement prepared? (P.L. 91-190) ☐ Yes (Attach) ☐ No

Does it conform with the District Land Adjustment Plan? ☐ Yes ☐ No

(NOTE: If "NO" is checked in answer to any of the above questions, explain under No. 6 below)

6. Recommendations, including any factors which might affect the granting of the permit or future use of the land.

7. List conditions which should be made a part of this permit (See FSM 2780)

8. Land recommendation (Describe here or on computation sheet attached)

9. Name and Address of Permittee exactly as it should be shown on the permit:

(Zip Code)

RECOMMEND:		DATE	SIGNATURE	TITLE
	Approval* / Disapproval			
	Approved* / Disapproved*	DATE	SIGNATURE	TITLE

*District Ranger

GPO 926-72

Form Approved
OMB No. 40-R1545

...Forest Service

...CIAL USE APPLICATION AND REPORT
(Reference FSM 2712)

...on is authorized by the Organic Act of June 4, 1897 ...rpose of evaluating the proposed use and no permit ...ssued unless this form is completed as the informa... ...requires has been made a part of the record in some ...ner.

FOREST SERVICE USE ONLY

a. Record no. (1-2)	b. Region (3-4)	c. Forest (5-6)
7 0		
d. District (7-8)	e. User number (9-12)	f. Kind of use (13-15)
g. State (16-17)	h. County (18-20)	i. Cord No. (21)
		1

I - APPLICATION (To be completed by applicant)

...ion is hereby made for a permit to use National Forest land as indicated below:

...ption of land: (Attach MAP or PLAT)

...e of use.

Area applied for (For Right-of-Way show length and width one corner to acres; for other uses show acres)

...Length in: (Miles) or (Feet) X Width (Feet) = (Acres)

...ements

...cription

...ine attached ☐ Yes ☐ No. If "NO," show date plans will be furnished

...imated cost	d. Construction will begin within (Month)	e. Construction will be completed within (Month)

...f Application	Applicant's name and signature	Applicant's address (Zip Code)

...se edition of this form is obsolete (OVER) FS-2700-3 (11/78)

BRUCE BABBITT
GOVERNOR

OFFICE OF THE GOVERNOR
STATE HOUSE
PHOENIX, ARIZONA 85007

IN REPLY
REFER TO:

June 21, 1982

The Honorable Dennis DeConcini
United States Senator
3230 Dirksen Senate Office Building
Washington, D. C. 20510

Dear Senator DeConcini:

I am writing in support of your S. 2308. As you know, the City of Show Low has improved two parcels of land owned by the U.S. Forest Service; one parcel contains a city park and the municipal airport has been developed on the other parcel. Currently, the city has a special use permit from the Forest Service to operate these facilities.

The special use permit process has created administrative problems for the city. Since the park and airport are owned and operated by Show Low, the city should be given complete control over the land on which the facilities are located.

If I can be of any assistance in transferring ownership of the Forest Service land to the City of Show Low, please do not hesitate to contact me.

Sincerely,

Bruce Babbitt
Governor

BB:mtl

Attach. No. 4

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

FEB 1 1991

Honorable Bruce Babbitt
Governor of Arizona
Phoenix, Arizona 85007

Dear Governor Babbitt:

Communities in the West often have the Federal Government as a neighbor--a neighbor sometimes not interested and frequently unresponsive to local needs. An example I often refer to is the request of Tonopah, Nevada, for a patent to eight acres adjacent to the high school for use as an athletic field. It took the Interior Department 13 years to issue that patent. There is no excuse for such bureaucratic delay. The Department of the Interior's land managers must be more responsive to community needs, especially in the western States where much of the land is owned by the Federal Government.

The purpose of this letter is to invite you, and through you counties and cities in your State, to identify parcels of federally owned land needed to meet community needs--such as land for community expansion and for schools, hospitals and parks. I am referring to relatively small parcels of public land which are either contiguous to growing communities, or isolated amidst State or private holdings.

I hope you will extend this invitation to local governments in your State, and encourage them to funnel their identification of land parcels through your office to me. I suggest this focused role as an opportunity for you to assess the overall requirements within your State, and to facilitate future coordination between us. To help communicate this invitation to local entities, I have contacted the National Association of Counties and the National League of Cities. They have agreed to publicize this effort to their memberships.

There are two primary mechanisms, already in place, for use in responding to your requests: Land transfers under the Recreation and Public Purposes Act, and sales authorized by the Federal Land Policy and Management Act. Enclosed you will find copies of relevant portions of these two Acts.

It is not my intent to constrain your requests to transfers which can be accomplished under existing authorities. I am prepared to pursue vigorously legislative and regulatory changes, if necessary, to meet your needs.

Attach. No. 5

I want to assure you that your identification of land parcels for special purposes will receive my personal attention and top priority in the Department. To help us respond quickly, please provide me with enough detail to expedite the processing of your priority needs for public land transfers. A description of each needed land parcel including the acreage, location, and intended use of the land would aid in assuring expeditious action. If you have a land transfer case pending with the Bureau of Land Management that you believe should receive priority attention, please furnish a summary or enough information to enable me to readily identify it among the Bureau of Land Management's pending cases. I am also interested in knowing if you are dissatisfied with the progress being made on any case you now have pending with the Department.

The identification and transfer of public land parcels for community needs will be a continuing priority, but I would welcome a response on your State's immediate needs within the next 60 days. I look forward to hearing from you and personally reviewing the land parcels you and your State's communities identify.

Sincerely,

James G. Watt

SECRETARY

Enclosures

SALES

43 USC 1713.

SEC. 203. (a) A tract of the public lands (except land in units of the National Wilderness Preservation System, National Wild and Scenic Rivers Systems, and National System of Trails) may be sold under this Act where, as a result of land use planning required under section 202 of this Act, the Secretary determines that the sale of such tract meets the following disposal criteria:

(1) such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency; or

(2) such tract was acquired for a specific purpose and the tract is no longer required for that or any other Federal purpose; or

(3) disposal of such tract will serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or feasibly on land other than public land and which outweigh other public objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal ownership.

(b) Where the Secretary determines that land to be conveyed under clause (3) of subsection (a) of this section is of agricultural value and is desert in character, such land shall be conveyed either under the sale authority of this section or in accordance with other existing law.

Notice.

(c) Where a tract of the public lands in excess of two thousand five hundred acres has been designated for sale, such sale may be made only after the end of the ninety days (not counting days on which the House of Representatives or the Senate has adjourned for more than three consecutive days) beginning on the day the Secretary has submitted notice of such designation to the Senate and the House of Representatives, and then only if the Congress has not adopted a concurrent resolution stating that such House does not approve of such designation. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the designation. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same designation. When the committee has reported, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion [illegible] has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(d) Sales of public lands shall be made at a price not less than their fair market value as determined by the Secretary.

(e) The Secretary shall determine and establish the size of tracts of public lands to be sold on the basis of the land use capabilities and development requirements of the lands; and, where any such tract which is judged by the Secretary to be chiefly valuable for agriculture is sold, its size shall be no larger than necessary to support a family-sized farm.

(f) Sales of public lands under this section shall be conducted under competitive bidding procedures to be established by the Secretary. However, where the Secretary determines it necessary and proper in order (1) to assure equitable distribution among purchasers of lands, or (2) to recognize equitable considerations or public policies, including but not limited to, a preference to users, he may sell these lands with modified competitive bidding or without competitive bidding. In recognizing public policies, the Secretary shall give consideration to the following potential purchasers:

(1) the State in which the land is located;

(2) the local government entities in such State which are in the vicinity of the land;

(3) adjoining landowners;

(4) individuals; and

(5) any other person.

(g) The Secretary shall accept or reject, in writing, any offer to purchase made through competitive bidding at his invitation no later than thirty days after the receipt of such offer or, in the case of a tract in excess of two thousand five hundred acres, at the end of thirty days after the end of the ninety-day period provided in subsection (c) of this section, whichever is later, unless the offeror waives his right to a decision within such thirty-day period. Prior to the expiration of such periods the Secretary may refuse to accept any offer or may withdraw any land or interest in land from sale under this section when he determines that consummation of the sale would not be consistent with this Act or other applicable law.

which nearest conform to the identical land included in the State survey and selection. Upon filing with the officer as the Secretary of the Interior may designate of the proper United States land office of the township plat, in which any such selection of unsurveyed land is located, the holder of the State title shall be allowed the same time to present and prove up his purchase and claim as was allowed preemptors under existing laws, and if found in accordance with the law the land embraced therein shall be certified over to the State by the Secretary of the Interior or such officer as he may designate.

(R.S. §§ 2485-2487; 1946 Reorg. Plan No. 3, § 403, eff. July 16, 1946, 11 F.R. 7876, 60 Stat. 1100.)

CODIFICATION

R.S. § 2485 is from acts July 23, 1866, ch. 219, § 1, 14 Stat. 218; Mar. 3, 1875, ch. 139, § 7, 18 Stat. 475. R.S. §§ 2486, 2487 are from act July 23, 1866, ch. 219, § 23, 14 Stat. 219.

TRANSFER OF FUNCTIONS

For transfer of functions of the other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out under section 1451 of this title.

In second par., "register of the land office," was changed to "officer, as the Secretary of the Interior may designate, of the land office,"; "registers of the several land offices," was changed to "officers, as the Secretary may designate, of the several land offices,"; first reference to "Commissioner of the General Land Office" was changed to "Secretary of the Interior, or such officer as he may designate,"; "Bureau of Land Management" was substituted for "General Land Office"; and second reference to "Commissioner of the General Land Office" was changed to "Secretary or such officer", on authority of section 403 of Reorg. Plan No. 3 of 1946. In third par., "register" was changed to "officer as the Secretary of the Interior may designate", and "Commissioner of the General Land Office" was changed to "Secretary of the Interior or such officer as he may designate", on authority of that plan. See note under section 1 of this title.

§ 866. Exchange of cut over land in Montana

Tracts of timbered lands prior to February 14, 1923, granted to the State of Montana for educational purposes, from which the timber has been cut or removed pursuant to State laws, may, under such rules and regulations as the legislature of said State shall prescribe, be exchanged for other lands of like character and approximately of equal value, in private ownership, which exchanged land shall be subject to the same requirements and limitations to the end that the State may acquire holdings in reasonably compact form and reforesting be undertaken in an economic manner, anything in the enabling act of said State to the contrary notwithstanding.

(Feb. 14, 1923, ch. 74, 42 Stat. 1245.)

REFERENCES IN TEXT

The enabling act of Montana, referred to in text, is act Feb. 22, 1889, ch. 180, 25 Stat. 676.

§ 867. Omitted

CODIFICATION

Section, R.S. § 2377; act June 20, 1874, ch. 330, 18 Stat. 111, relating to extension of obsolete section 829 of this title to reissue of agricultural land scrip, canceled, or destroyed without the fault of the owner thereof was omitted from the Code as obsolete. See section 700 of this title and notes under sections 785, 791, and 800 of this title.

§ 868. Representation of Indian claimants in suits to determine right to school lands

In any suit instituted in the Supreme Court of the United States to determine the right of a State to what are commonly known as school lands within any Indian Reservation or any Indian cession where an Indian tribe claims any right to or interest in the lands in controversy, or in the disposition thereof by the United States, the right of such State may be fully tested and determined without making the Indian tribe, or any portion thereof, a party to the suit if the Secretary of the Interior is made a party thereto; and the duty of representing and defending the right or interest of the Indian tribe, or any portion thereof, in the matter shall devolve upon the Attorney General upon the request of such Secretary.

(Mar. 2, 1901, ch. 808, 31 Stat. 950.)

§ 869. Disposal of lands for public or recreational purposes

(a) Application; conditions; classification; restoration if not applied for

The Secretary of the Interior upon application filed by a duly qualified applicant under section 869-1 of this title may, in the manner prescribed by sections 869 to 869-4 of this title, dispose of any public lands to a State, Territory, county, municipality, or other State, Territorial, or Federal instrumentality or political subdivision for any public purposes, or to a nonprofit corporation or nonprofit association for any recreational or any public purpose consistent with its articles of incorporation or other creating authority. Before the land may be disposed of under sections 869 to 869-4 of this title it must be shown to the satisfaction of the Secretary that the land is to be used for an established or definitely proposed project, that the land involved is not of national significance nor more than is reasonably necessary for the proposed use, and that for proposals of over 640 acres comprehensive land use plans and zoning regulations applicable to the area in which the public lands to be disposed of are located have been adopted by the appropriate State or local authority. The Secretary shall provide an opportunity for participation by affected citizens in disposals under sections 869 to 869-4 of this title, including public hearings or meetings where he deems it appropriate to provide public comments, and shall hold at least one public meeting on any proposed disposal of more than six hundred forty acres under sections 869 to 869-4 of this title. The Secretary may classify public lands in Alaska for disposition under sections 869 to 869-4 of this title. Lands so classified may not be appropriated under any other public land law unless the Secretary revises such classification or authorizes the disposition

of an interest in the lands under other applicable law. If, within eighteen months following such classification, no application has been filed for the purpose for which the lands have been so classified, then the Secretary shall restore such lands to appropriation under the applicable public land laws.

(b) Acreage limitations

Conveyances made in any one calendar year shall be limited as follows:

(i) For recreational purposes:

(A) To any State or the State park agency or any other agency having jurisdiction over the State park system of such State designated by the Governor of that State as its sole representative for acceptance of lands under this provision, hereinafter referred to as the State, or to any political subdivision of such State, six thousand four hundred acres, and such additional acreage as may be needed for small roadside parks and rest sites of not more than ten acres each.

(B) To any nonprofit corporation or nonprofit association, six hundred and forty acres.

(C) No more than twenty-five thousand six hundred acres may be conveyed for recreational purposes under sections 869 to 869-4 of this title in any one State per calendar year. Should any State or political subdivision, however, fail to secure, in any one year, six thousand four hundred acres, not counting lands for small roadside parks and rest sites, conveyances may be made thereafter if pursuant to an application on file with the Secretary of the Interior on or before the last day of said year and to the extent that the conveyance would not have exceeded the limitations of said year.

(ii) For public purposes other than recreation:

(A) To any State or agency or instrumentality thereof, for any one program, six hundred and forty acres.

(B) To any political subdivision of a State, six hundred and forty acres.

(C) To any nonprofit corporation or nonprofit association, six hundred and forty acres.

(c) Lands withdrawn in aid of functions of a department, agency, State, etc.; lands excepted from disposal

Where the lands have been withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior, or of a State, Territory, county, municipality, water district, or other local governmental subdivision or agency, the Secretary of the Interior may make disposals under sections 869 to 869-4 of this title only with the consent of such Federal department or agency, or of such State, Territory, or local governmental unit. Nothing in sections 869 to 869-4 of this title shall be construed to apply to lands in any national forest, national park, or national monument, or national wildlife refuge, or to any Indian lands or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians, or, except insofar as sections 869 to 869-4 of this title apply to leases of land to States and counties and to State and Federal instrumentalities and political subdivisions and to municipal corporations, to the revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands in the State of Oregon. Nor shall any disposition be made under sections 869 to 869-4 of this title for any use authorized under any other law, except for a use authorized under sections 682a to 682e of this title.

(June 14, 1926, ch. 578, § 1, 44 Stat. 741; June 4, 1954, ch. 263, 68 Stat. 173; June 23, 1959, Pub. L. 86-66, § 2, 73 Stat. 110; Sept. 21, 1959, Pub. L. 86-292, § 1, 73 Stat. 571; Sept. 13, 1960, Pub. L. 86-755, 74 Stat. 899; Oct. 21, 1976, Pub. L. 94-579, title II, § 212(a), (b), 90 Stat. 2759.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-579, § 212(a), added provisions requiring lands proposed to be disposed not to be of national significance nor more than reasonably necessary for the proposed use, provisions relating to proposals of over 640 acres, and provisions relating to participation by affected individuals.

Subsec. (b)(1). Pub. L. 94-579, § 212(b), in cl. (A) added reference to State political subdivision and struck out limitation of three sites, limitation of six sites for calendar years 1960, 1961, and 1962, and proviso for additional sites where conveyances in one year did not meet the authorized number, in cl. (B) substituted "nonprofit corporation or nonprofit association" for "political subdivision of a State", and in cl. (C) substituted provisions relating to authorization for a calendar year, for provisions authorizing six hundred and forty acres to any nonprofit corporation or association.

1960—Subsec. (b)(1)(A). Pub. L. 86-755 inserted after "State" the words "or the State park agency or any other agency having jurisdiction over the State park system of said State designated by the Governor of that State as its sole representative for acceptance of lands under this provision," and added the proviso.

1959—Subsec. (b). Pub. L. 86-292 substituted acreage limitations making special allowances to States for recreational areas for provision which limited conveyance to 640 acres to any one grantee in any one calendar year.

Subsec. (c). Pub. L. 86-66 substituted provisions making sections 869 to 869-4 of this title inapplicable, except insofar as those sections apply to leases of land to States and counties and to State and Federal instrumentalities and political subdivisions and to municipal corporations, to revested Oregon and California Railroad grant lands and reconveyed Coos Bay Wagon Road grant lands in the State of Oregon, for provisions which made those sections inapplicable to the revested Oregon and California Railroad grant lands and reconveyed Coos Bay Wagon Road grant lands.

1954—Act June 4, 1954, divided the provisions of act June 14, 1926, on which this section is based, into separate sections (now set out as this section and sections 869-1 to 869-4 of this title), and changed the provisions generally to broaden the authority of the Secretary of the Interior to dispose of public lands for public purposes (1) by including provisions for disposal thereof to Territories (including Alaska), other political subdivisions, and nonprofit corporations and associations rather than to States, counties, and municipalities only, (2) by permitting the disposal thereof for "public" purposes, rather than merely for "recreational" purposes as theretofore, (3) by eliminating the term "nonmineral" in describing the lands which may be so disposed of, (4) by adding the limitation provisions set out in subsecs. (b) and (c) of this section, (5) by amending and transferring to section 2 of that act (section 869-1 of this title) the provisions governing

the methods of, and conditions with respect to the, disposing of the lands for those purposes (see Prior Law note under section 869-1 of this title), including the provision for the reservation of mineral deposits, (6) by amending and transferring to section 3 of that act (section 869-2 of this title) the provisions with respect to reversion of the lands to the United States in certain cases (see Prior Law note under section 869-2 of this title), (7) by enacting, as section 4 of that act, the provisions set out as section 869-3 of this title, and (8) by inserting the provision in this section that disposals should be made "upon application by a duly qualified applicant" under section 869-1 of this title.

EFFECTIVE DATE OF 1960 AMENDMENT

Pub. L. 86-755 provided in part that the amendment of subsec. (b)(1)(A) shall be effective Sept. 21, 1959.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 869-2, 869-3, 869-4, 1721 of this title.

§ 869-1. Sale or lease to State or nonprofit organization; reservation of mineral deposits; termination of lease for nonuse

The Secretary of the Interior may after due consideration as to the power value of the land, whether or not withdrawn therefor, (a) sell such land to the State, Territory, county, or other State, Territorial, or Federal instrumentality or political subdivision in which the lands are situated, or to a nearby municipal corporation in the same State or Territory, for the purpose for which the land has been classified, and conveyances of such land for historic-mohument purposes or recreational purposes under this section shall be made without monetary consideration, while conveyances for any other purpose under this section shall be made at a price to be fixed by the Secretary of the Interior through appraisal or otherwise, after taking into consideration the purpose for which the lands are to be used, (b) lease such land to the State, Territory, county, or other State, Territorial, or Federal instrumentality or political subdivision in which the lands are situated, or to a nearby municipal corporation in the same State or Territory, for the purpose for which the land has been classified, at a reasonable annual rental, except that leases of such lands for recreational purposes shall be made without monetary consideration, for a period up to twenty-five years, and, at the discretion of the Secretary, with a privilege of renewal for a like period, (c) sell such land to a nonprofit corporation or nonprofit association, for the purpose for which the land has been classified, at a price to be fixed by the Secretary of the Interior through appraisal, after taking into consideration the purpose for which the lands are to be used, or (d) lease such land to a nonprofit corporation or nonprofit association at a reasonable annual rental, for a period up to twenty years, and, at the discretion of the Secretary, with a privilege of renewal for a like period. Each patent or lease so issued shall contain a reservation to the United States of all mineral deposits in the lands conveyed or leased and of the right to mine and remove the same, under applicable laws and regulations to be established by the Secretary. Each lease shall contain a provision for its termination upon a finding by the Secretary that the land has not been used by the lessee for the purpose specified in the lease for such period, not over five years, as may be specified in the lease, or that such land or any part thereof is being devoted to another use.

(June 14, 1926, ch. 578, § 2, as added June 4, 1954, ch. 263, 68 Stat. 174, and amended June 20, 1966, Pub. L. 89-457, § 1, 80 Stat. 210; Oct. 21, 1976, Pub. L. 94-579, title II, § 212(c), (d), 90 Stat. 2760.)

PRIOR PROVISIONS

Provisions similar to this section were formerly contained in section 869 of this title (see 1954 Amendment note thereunder). Those prior provisions did not require, as in this section, the Secretary of the Interior to take into account the possible power value of the lands, whether withdrawn therefor, or not, before authorizing any disposal of them under section 869 of this title; did not provide, as in this section, for the sale or lease of those lands to Federal instrumentalities, to Territories and to political subdivisions other than States, counties, and municipalities, and to nonprofit corporations and associations, and did not provide, as in this section, that conveyances of that land for historic-monument purposes should be made without monetary consideration. See section 869 of this title.

AMENDMENTS

1976—Pub. L. 94-579 in cl. (a) added reference to recreational purposes and in cl. (b) added reference to leases for recreational purposes.

1966—Pub. L. 89-457 authorized an increase in the period of a lease under clause (b) from twenty to twenty-five years.

SAVINGS PROVISIONS

Amendment by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a Savings Provisions note under section 1701 of this title.

PERIOD OF LEASES

Section 2 of Pub. L. 89-457 provided that: "Upon application by a lessee holding a lease under the Recreation and Public Purposes Act [sections 869 to 869-4 of this title] the Secretary of the Interior may enter into a new lease for a term not to exceed twenty-five years from the date of the new lease."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 869, 869-2, 869-3, 869-4, 1721 of this title.

§ 869-2. Conditions of transfer by grantee; conditions; reversion for non compliance

Title to lands conveyed by the Government under sections 869 to 869-4 of this title may not be transferred by the grantee or its successor except, with the consent of the Secretary of the Interior, to a transferee which would be a qualified grantee under section 869-1(a) or 869-1(c) of this title and subject to the acreage limitation contained in section 869(b) of this title. A grantee or its successor may not change the use specified in the conveyance to another or additional use except, with the consent of the Secretary, to a use for which such grantee or its successor could obtain a conveyance under sec-

tions 869 to 869-4 of this title. If at any time after the lands are conveyed by the Government, the grantee or its successor attempts to transfer title to or control over these lands to another or the lands are devoted to a use other than that for which the lands were conveyed, without the consent of the Secretary, title to the lands shall revert to the United States.

(June 14, 1926, ch. 578, § 3, as added June 4, 1954, ch. 263, 68 Stat. 175, and amended Sept. 21, 1959, Pub. L. 86-292, § 2, 73 Stat. 571.)

PRIOR PROVISIONS

Prior provisions on the subject of reverter were formerly contained in section 869 of this title (see 1954 Amendment note thereunder). Those prior provisions permanently restricted the lands conveyed to a single use, and did not provide, as in this section, for transfer by the original grantee or its successor.

AMENDMENTS

1959—Pub. L. 86-292 eliminated sentence which provided that this section should cease to be in effect as to any lands patented under sections 869 to 869-4 of this title twenty-five years after the issuance of patent for such lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 869, 869-3, 869-4, 1721 of this title.

§ 869-3. Authority for transfers; applicability of section 869-2 to prior patents; termination of restrictions

The Secretary may authorize transfers of title or changes in use in accordance with the provisions of section 869-2 of this title with respect to any patent heretofore issued under any Act upon application by a patentee qualified to obtain a conveyance under section 869-1(a) or 869-1(c) of this title. If the Secretary, pursuant to such an application, authorizes such transfer or use, all reverter provisions and other limitations on transfer or use, under sections 869 to 869-4 of this title or any other Act affecting the lands involved, shall cease to be in effect twenty-five years after the Secretary authorizes the transfer or use for a changed or additional purpose under the provisions of this section.

(June 14, 1926, ch. 578, § 4, as added June 4, 1954, ch. 263, 68 Stat. 175.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 869, 869-2, 869-4, 1721 of this title.

§ 869-4. Disposition of moneys received from or on account of revested Oregon and California Railroad grant lands or reconveyed Coos Bay Wagon Road grant lands

All moneys received from or on account of any revested Oregon and California Railroad grant lands or reconveyed Coos Bay Wagon Road grant lands under sections 869 to 869-4 of this title shall be deposited respectively in the Oregon and California land-grant fund and the Coos Bay Wagon Road grant fund, and shall be applied in the manner prescribed respectively by section 1181f of this title, and by the Act of May 24, 1939 (53 Stat. 753).

(June 14, 1926, ch. 578, § 5, as added June 23, 1959, Pub. L. 86-66, § 3, 73 Stat. 111.)

REFERENCES IN TEXT

The Act of May 24, 1939, referred to in the text, is act May 24, 1939, ch. 144, 53 Stat. 753, which was not classified to the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 869, 869-2, 869-3, 1721 of this title.

§ 869a. Repealed. Pub. L. 86-66, § 1, June 23, 1959, 73 Stat. 110

Section, act Apr. 13, 1928, ch. 370, §§ 1, 2, 45 Stat. 429, extended provisions of section 869 of this title to former Oregon and California Railroad grant lands revested in the United States and to former Coos Bay Wagon Road grant lands reconveyed to the United States.

§ 870. Grants of land in aid of common or public schools; extension to those mineral in character; effect of leases

Subject to the provisions of subsections (a)-(c) of this section, the several grants to the States of numbered sections in place for the support or in aid of common or public schools be, and they are, extended to embrace numbered school sections mineral in character, unless land has been granted to and/or selected by and certified or approved, to any such State or States as indemnity or in lieu of any land so granted by numbered sections.

(a) The grant of numbered mineral sections under this section shall be of the same effect as prior grants for the numbered nonmineral sections, and titles to such numbered mineral sections shall vest in the States at the time and in the manner and be subject to all the rights of adverse parties recognized by existing law in the grants of numbered nonmineral sections.

(b) The additional grant made by this section is upon the express condition that all sales, grants, deeds, or patents for any of the lands so granted shall hereafter be subject to and contain a reservation to the State of all the coal and other minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands not heretofore disposed of by the State shall be subject to lease by the State as the State legislature may direct, the proceeds and rentals and royalties therefrom to be utilized for the support or in aid of the common or public schools: *Provided*, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located.

(c) Except as provided in subsection (d) of this section, any lands included within the limits of existing reservations of or by the United States, or specifically reserved for water-power purposes, or included in any pending suit or proceeding in the courts of the United States, or subject to or included in any valid application, claim, or right initiated or held under any of the existing laws of the United States, unless or until such reservation, application, claim, or right is extinguished, relinquished, or canceled, and all lands in the

Senator MURKOWSKI. We will move on to H.R. 1281, and we have Arnold Petty, Deputy Director for Management Services, Bureau of Land Management. The subcommittee will take testimony from the administration on H.R. 1281, a bill which authorizes full conveyance of 16.33 acres in Alaska comprising a trade and manufacturing site under the Homestead Act. This land is located on a thin peninsula separating two lakes. H.R. 1281 was introduced by my good friend, Congressman Don Young of Alaska. The House of Representatives' Committee on the Interior has already given consideration of the legislations' full House to favorably pass the bill.

Mr. Gail Curtiss has filed an application with the Bureau of Land Management to purchase the site in 1967 for the purpose of maintaining a hunting and fishing resort. However, the Curtisses ran into a problem with homesteading. The Homestead Act dictates that a trade and manufacturing site cannot exceed 80 rods or 1,320 feet of shoreline.

The BLM documents relating to this case state that a situation such as this one, on a peninsula, was not fully considered when the 80 rods was established. BLM has found that 10.04 acres in the application appeared to be valid under the trade and mining regulations—trade and manufacturing regulations. So, in fact, we are talking about 6.24 acres to be conveyed by this legislation in excess of the findings of BLM. The land is on the peninsula, has little value to anyone else. The State of Alaska has substantial holdings in the area and a part of the State park holding access to the land. If there is concern about this, the BLM has found that the case has merits, and the administration comments reflect their findings.

I guess it's appropriate now to hear what they have to say. Having been out there, I do know what I'm talking about.

STATEMENT OF ARNOLD E. PETTY, DEPUTY DIRECTOR FOR MANAGEMENT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR RELATING TO H.R. 1281

Mr. PETTY. Mr. Chairman, I ask that my full statement be printed in the record. Since you have summarized the issues addressed in this bill, I will not do so. I might add that the limitation on the 80 rods is simply included in the act as we understand it, to assure that there will be public access to the Alaskan shorelines. That really isn't an issue at this point.

Senator MURKOWSKI. That is not an issue.

Mr. PETTY. That is not an issue. We do not have any objections to exceeding the 80-rod limitation. We are asking the committee, though, to amend this to provide that it simply waives the 80-rod limitation. This would allow for conveyance of 16.33 acres. We do ask that the fair market value of the full price be paid for 6.27 acres, which means the beneficiary of the bill would get about 10 acres for $2.50 an acre, which is the price in the Trade Manufacturing Act. He would pay the full market value for only the additional acreage involved. Otherwise, we would have no objection to the sale of that land.

Senator MURKOWSKI. Would you summarize that again?

Mr. PETTY. $2.50 an acre is the value that would go for the 10.06 acres which was the 80-rod limitation.

Senator MURKOWSKI. 10.68. Now, that value was valued at what point?

Mr. PETTY. Well, that was the value that was set in the Trade and Manufacturing Site Act in 1898.

Senator MURKOWSKI. Why are you recommending that rather than market value?

Mr. PETTY. Because he could have acquired that much under the act. He can get——

Senator MURKOWSKI. He doesn't have to pay more than $2.50 for 10 acres?

Mr. PETTY. That is correct. He is entitled to that.

Senator MURKOWSKI. The difference, the additional acreage would be under what?

Mr. PETTY. Under whatever the fair market value is today.

Senator MURKOWSKI. That additional acreage is 6.24?

Mr. PETTY. 6.27.

Senator MURKOWSKI. 6.27, OK. And, then you would recommend that that be sold at fair market value?

Mr. PETTY. That is correct.

Senator MURKOWSKI. At date of enactment?

Mr. PETTY. That is correct.

Senator MURKOWSKI. And, the bill calls for 1967 for date of enactment. So, what would you do about that?

Mr. PETTY. We would ask that the bill be amended to provide for the fair market as of the date of enactment rather than the date of application.

Senator MURKOWSKI. All right. I see no difficulty with that in taking it up to the date of enactment. By what method would you propose to establish fair market value?

Mr. PETTY. Sir, I will have to turn that over to an appraiser. That's going to be a little difficult. There are no comparable values in that area. The land adjacent to that area was selected by the State for a park. So, just how they could go about establishing that would be akin to the way they established the fair market value of the Alaskan pipeline. That wasn't easy.

Senator MURKOWSKI. Well, I'm not a professional appraiser. I don't know how it's done. But, I do know that they were able to establish a bare wilderness area in which they built a pipeline.

Well, it has been pointed out that we have a discrepancy here on date of enactment, as proposed, the House in 1967. If we change it, it's going to have to go back to Congress. Have you got any suggestions on how we can equitably make this up in favor of the Government without sending the bill to Congress for an amendment?

Mr. PETTY. No, sir.

Senator MURKOWSKI. I suggest that somehow we mediate this bill so that we will not have to go back to conference or further amended back to the House with emphasis on this date of 1967. Maybe we can make this up and ascertain a differential on the value. And, I understand what I mean, and whether you understand what you think I mean by that, you had better ask some questions.

Mr. PETTY. I gather that you are saying that the fair market value is——

Senator MURKOWSKI. Well, what I'm saying is that it certainly isn't the enactment's fact that it has taken 15 years to move this

through. We are all in agreement with that. I think what we'll do is let Tony take care of it. Do you have any objections on behalf of the administration?

Mr. PETTY. No, sir. I have no objection with having Tony come up with a method of doing that.

Senator MURKOWSKI. All right. We will attempt to come up with an equitable method to protect the Government's rights. Thank you very much.

[The prepared statement of Mr. Petty relating to H.R. 1281 follows:]

July 27, 1982

STATEMENT OF ARNOLD E. PETTY, DEPUTY DIRECTOR FOR MANAGEMENT SERVICES, BUREAU OF LAND AND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, COMMITTE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON H.R. 1281, A BILL TO PROVIDE FOR THE CONVEYANCE OF CERTAIN LANDS IN ALASKA COMPRISING TRADE AND MANUFACTURING SITE A-056802 WITHOUT REGARD TO THE EIGHTY-ROD LIMITATION PROVIDED BY EXISTING LAW.

I appreciate the opportunity to appear here today to present the Department of the Interior's views on H.R. 1281.

H.R. 1281, as passed by the House of Representatives, would authorize the Secretary of the Interior to reconsider and act on trade and manufacturing claim application A-056802, made under section 10 of the Act of May 14, 1898, as amended, without regard to the 80-rod shoreline limitation contained in the first proviso of that section. The claim is for approximately 16.33 acres of land in the State of Alaska. H.R. 1281 would also direct the Secretary to require payment of fair market value for the approximately 6.27 acres in excess of that to which the Secretary determines the claimant would have been entitled under the 80-rod limitation. Fair market value would be determined as of the date of the filing of the trade and manufacturing claim application and would not include the value of any enhancement of the land. Finally, H.R. 1281, as passed, would not allow the Secretary to convey any lands to claimant until the State of Alaska has conveyed to the United States any and all right, title, and interest it may hold in that portion of the land which was selected under the Alaska Statehood Act of July 7, 1958, and which has been tentatively approved for patent.

We would have no objection to the enactment of H.R. 1281 if it is amended as we have suggested in our report to this Committee.

The Act of May 14, 1898, allows certain United States citizens, associations of citizens, or corporations, who are in possession of and are occupying lands in Alaska for the purpose of trade, manufacturing, or other productive industry, to purchase one claim of land not to exceed 80 acres. However, a claim may include navigable shoreline of no more than 80 rods or 1,320 feet. To purchase a claim, a claimant must show that the area is improved and is needed to maintain the claimant's trade, manufacturing, or other productive industry.

Trade and manufacturing claim application A-056802 was filed in 1967 for approximately 16.33 acres of land on a peninsula separating two navigable lakes. Because that claim was for land on a peninsula, it included a disproportionate amount of shoreline -- approximately 413.3 rods. The Department considered and subsequently rejected the claim under the Act of May 14, 1898, because it exceeded the Act's 80-rod limitation. We determined that the claimant was entitled to a patent for only 10.06 of the approximately 16.33 acres of land claimed.

The purpose of the 80-rod shoreline limitation in the 1898 Act is to preserve public access to the Alaska shoreline by preventing the appropriation of extensive amounts of shoreline by one private interest. Although the conveyance authorized by H.R. 1281, as passed, would in fact, violate that limitation, we do not believe it would violate the purpose for which the shoreline limitation was included in the 1898 Act. We believe that the circumstances of this claim on peninsular land, with its disproportionate amount of shoreline, are unique, and that the conveyance would not result in the appropriation of an extensive amount of shoreline by one private interest. Furthermore, all contiguous land is owned and used by the State

of Alaska under a 1961 Statehood Selection, so none of the remaining shoreline near the claim is available for appropriation.

We recommend, however, that the fair market value of the additional lands that would be authorized by H.R. 1281 to be conveyed -- the 6.27 acres which, together with the 10.06 acres mentioned above, make up the 16.33 acre claim -- be determined as of the date of enactment of the bill, rather than as of the date of the filing of the claim application, as the bill provides. We prefer the date of enactment of this bill for the fair market value determination because only on that date, notwithstanding the limitation of the Act of May 14, 1898, would the claimant be eligible to acquire the extra 6.27 acres, and because that date is the usual date for determining fair market value in situations similar to this. This recommendation is consistent with the President's Asset Management program and the policy that current fair market value be received for lands conveyed out of Federal ownership where existing law does not provide otherwise.

If amended as indicated, we would not object to enactment of H.R. 1281.

This concludes my statement. I will be pleased to answer questions.

STATEMENT OF ARNOLD E. PETTY, DEPUTY DIRECTOR FOR MANAGEMENT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR RELATING TO S. 1705

Mr. PETTY. Mr. Chairman, the administration strongly supports this bill. Basically, we are up against section 302 of the Federal Land Policy and Management Act which permits other Federal agencies to use and occupy public lands only through rights-of-way, withdrawals, and cooperative agreements where the use and development are similar or closely related to programs of the Secretary of the Interior. That's where we run into our problem, the requirement that the proposed use is similar or closely related to programs of the Secretary of the Interior.

We do not have a program, for example, for the Secretary of the Interior to use public lands for military training purposes. We see no reasons why other Federal agencies should not have temporary use of public lands for their purposes. We strongly support this bill.

Senator MURKOWSKI. It is my understanding that these temporary use permits could be issued to a variety of Federal agencies.

Mr. PETTY. Yes. FAA is one that we had problems with. They had occasion to use mountaintops. And many other Federal agencies have occasion to use Federal land for temporary purposes. Most of them we can accommodate by stretching the law or pushing and pulling. This language, though, will let us get around that important problem.

Senator MURKOWSKI. Have there been any negative comments?

Mr. PETTY. I know of none.

Senator MURKOWSKI. I think that concludes the questions on that.

[The prepared statement of Mr. Petty relating to S. 1705 follows:]

JUL 27 1982

STATEMENT OF ARNOLD E. PETTY, DEPUTY DIRECTOR FOR MANAGEMENT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 1705, A BILL TO AMEND THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 (43 U.S.C. 1701) TO PERMIT TEMPORARY USE BY FEDERAL DEPARTMENTS AND AGENCIES OF PUBLIC LANDS CONTROLLED BY THE BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR.

I appreciate the opportunity to appear here today to present the Department of the Interior's views on S. 1705.

We strongly support the bill and urge its enactment.

S. 1705 would authorize temporary use of public lands by Federal departments and agencies under such regulations as may be promulgated by the Secretary of the Interior.

The provisions of section 302(b) of the Federal Land Policy and Management Act of 1976 authorize the Secretary of the Interior to permit Federal departments and agencies to use, occupy, and develop public lands only through rights-of-way, withdrawals, and cooperative agreements where the proposed use and development are similar or closely related to programs of the Secretary of the Interior for the public lands involved. These provisions severely limit the ability of Federal departments and agencies to use public lands on a temporary basis and, in fact, are more restrictive than the provisions for private use of such lands.

The need for temporary use permits has become evident from recent experiences of the Bureau of Land Management in attempting to accommodate the land use requirements of Federal departments and agencies. In one instance, for example, BLM was unable to permit the use of a site on public lands by the Environmental Protection Agency for the purpose of monitoring the effects of hazardous waste disposal areas on private lands adjacent to those

public lands. In another, the Secretary could not permit the Federal Aviation Administration to use public lands for its vector analysis program, which requires the occasional short-term use of mountain tops.

The amount and variety of Interior-controlled public land in the continental United States and Alaska, together with its diversified terrain and climatic conditions, present the military services with opportunities to vary their training operations and yet not require the use of any one particular area on a recurring basis. Yet the Secretary of the Interior is not able to permit short-term use of public lands by the military because the authorizing authorities he may use are not suitable.

The provisions of section 501(a) of the Federal Land Policy and Management Act specify the purposes for which rights-of-way may be granted by the Secretary of the Interior. For the most part, these purposes are limited to those uses which require the employment of lineal areas of land, such as canals, pipelines, and roads. It is possible that a very liberal interpretation of the provisions of section 501(a) could result in the granting of rights-of-way for some short-term Federal projects such as those I just mentioned. It is almost certain, however, that the use of large areas of public lands for short-term, temporary military operations, such as the major winter and summer exercises in Alaska, could not be authorized through rights-of-way. In addition, the liberal interpretation of the rights-of-way provisions would be the subject of constant debate and confusion. The enactment of this legislation is preferable to reliance on the present provisions of the law.

Likewise, the use of either of the other two alternatives permitted by section 302(b) of the Federal Land Policy and Management Act - withdrawal or cooperative agreement - is often not feasible or possible. The successful withdrawal of areas required for only temporary uses might well frustrate other Congressional intentions, such as those expressed in the Alaska Native Claims Settlement Act. Authorizing temporary use of public lands through cooperative agreements is often impossible because of the requirement that the proposed use of the land be similar or closely related to the programs of the Secretary of the Interior for the public lands involved.

A temporary use permit or authorization is consistent with procedures formerly used by the Bureau of Land Management to authorize special uses of public lands on a temporary basis. Issuance of temporary use permits would be subject to environmental review by the Secretary of the Interior in the same manner as are other land use authorizations. In addition, it is our intention to issue temporary use permits for periods not exceeding three years. Such a limitation is consistent with the three-year limitation on other types of temporary use permits currently authorized for rights-of-way issued under section 501 of the Federal Land Policy and Management Act of 1976, and those issued under the Mineral Leasing Act. Uses that cannot be accomplished in three years would have to be authorized through other mechanisms available under the law, just as they are now.

We believe the authority that would be granted by S. 1705 would permit us to make optimum use of the public lands, consistent with the provisions of the Federal Land Policy and Management Act and would reduce the necessity for other Departments to seek to withdraw public lands or to acquire lands from the States and private persons in order to accommodate temporary uses which do not require long-term authority.

This concludes my statement. I will be pleased to answer questions.

Senator MURKOWSKI. We will move to S. 1978. A bill to quiet title and possession with respect to 640 acres in Livingston Parish, La. The bill was sponsored by Senator Johnston and would resolve a land tract problem that was enacted in the 1800's. As I understand it, you oppose this bill?

STATEMENT OF ARNOLD E. PETTY, DEPUTY DIRECTOR FOR MANAGEMENT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR RELATING TO S. 1978

Mr. PETTY. Yes, sir. We are opposing the bill. This involves some 270 acres. We are suggesting that this bill be limited to the waiving of the 160-acre limitation currently contained in the Color-of-Title Act, so that we could then proceed to transfer this land under Color-of-Title Act. Once we can establish that the claimants qualify under the Color-of-Title Act, then we can convey more than 160 acres to them.

Senator MURKOWSKI. When might this procedure come about?

Mr. PETTY. When we might resolve the Color-of-Title—if the act were amended to remove the 160-acre limitation. It would depend upon the State in which the companies made their application under that title. And, with the history that we have now on this land and the number of times that it has been before Congress in the last 182 years, we should be able to clear this up rather rapidly. The difficulty might be, if any, is in surveying the land to clear out the individual title. That remains anyway. And, to ascertain who owns the other acreage in the claim. That is not currently identified.

Senator MURKOWSKI. Well, this problem was back in 1800.

Mr. PETTY. Right.

Senator MURKOWSKI. So, I really can't get too enthused about how quickly it will be resolved in spite of our good intentions today, and you oppose it as proposed by Senator Johnson, and proposed that the survey take place and various other things, and then it could be kind of expedited.

Mr. PETTY. Mr. Chairman, I think we would all like to get rid of this case since it has been around for around 180 years. What we are proposing, though, is that we be able to transfer the land at fair market value but not less than $1.25 an acre.

Senator MURKOWSKI. So, for $1.25 an acre, you would be willing to put the whole matter at rest?

Mr. PETTY. At the fair market value, whatever that turns out to be.

Senator MURKOWSKI. What is the reference to $1.25?

Mr. PETTY. $1.25 an acre is the minimum price set in the Color-of-Title Act.

Senator MURKOWSKI. What do you estimate the fair market value to be?

Mr. PETTY. I have no idea what the fair market value would be. I gather it has some timber. There appears to be little if any mineral value on the land.

Senator MURKOWSKI. I suppose if you had Crown-Zellerbach and Georgia-Pacific both bidding on it, you'd get a pretty good idea of what it is worth.

Mr. PETTY. Well, apparently this issue arose before, because Georgia-Pacific did "purchase" this land just a few years ago. So there apparently is a base price to work from on fair market value.

Senator MURKOWSKI. But you don't know what it is?

Mr. PETTY. No, sir.

Senator MURKOWSKI. You would recommend that the Federal Government go ahead and basically dispose of it for a fair market value?

Mr. PETTY. That's correct, yes.

Senator MURKOWSKI. And the—do you know if Senator Johnston is aware of this offer?

Mr. PETTY. I think this was contained in our original report, so I assume he is; yes, sir.

Senator MURKOWSKI. What date do you propose the fair market value to take effect?

Mr. PETTY. The date of enactment of the act.

Senator MURKOWSKI. Alright. That will be all.

[The prepared statement of Mr. Petty relating to S. 1978 follows:]

JUL 27 1982

STATEMENT OF ARNOLD E. PETTY, DEPUTY DIRECTOR FOR MANAGEMENT SERVICES, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 1978, A BILL "TO QUIET TITLE AND POSSESSION WITH RESPECT TO A CERTAIN PRIVATE LAND CLAIM IN LIVINGSTON PARISH, LOUISIANA."

I appreciate the opportunity to appear here today to discuss the Department of the Interior's views on S. 1978.

S. 1978 would transfer the title to approximately 640 acres of land located in Livingston Parish, Louisiana, from the United States to William Dennis, his heirs, or assigns. The 640-acre parcel was the subject of a private land claim by Mr. Dennis in the early 1800's.

The Dennis claim was included in a report on land claims west of the Pearl River that was transmitted to the United States Senate on January 3, 1821. The report described the claim as only "partially improved." Apparently, the claim was not confirmed.

In 1846, the claim was before Congress again. It appears that the claim did not meet the requirements for confirmation established by Congress under the Act of August 6, 1846. In 1913, legislation to confirm a number of land claims, including the Dennis claim, was introduced in Congress but was not enacted.

A thorough search of Bureau of Land Management records has failed to reveal a patent for the involved lands. Since no evidence exists that the claim was ever confirmed by the Congress or patented, the land remains part of the public domain and legal title resides in the United States.

The current claimants to the land appear to have acquired it in good faith and to have paid taxes on it and otherwise maintained it as lawful owners. The claimants include the Georgia Pacific Corporation, which uses approximately 270 acres of the 640-acre parcel, the Crown-Zellerbach Corporation, which uses approximately 280 acres, and several private individuals.

The Color-of-Title Act provides the usual remedy to claimants asserting ownership of Federal land under circumstances such as those involved in this case. Under that Act, claimants meeting the requirements established in the Act are issued a patent for a maximum of 160 acres upon payment of compensation to the United States for the land, taking into account the equities of the claimant.

Patents issued under the Color-of-Title Act reserve to the United States the minerals in the involved lands, unless the claimant requests that the minerals not be reserved and if the claimant can satisfactorily demonstrate that all other requirements of the Act have been met and that the lands are not within a mineral withdrawal or subject to an outstanding lease. The lands involved in S. 1978 are not within such a withdrawal nor are they subject to a mineral lease.

The Department of the Interior cannot support S. 1978 as presently written because it violates the basic principle that the Government should receive compensation for conveyance of its interests as expressed in the Color-of-Title Act. Furthermore, the claimants' eligibility for a patent has not yet been established. We would have no objection to enactment of S. 1978

if it were amended to provide solely for waiving the 160-acre limitation of the Color-of-Title Act for purposes of this particular claim only. If the 160-acre limitation is lifted as recommended, the heirs and assigns of William Dennis would apply for a patent under the Color-of-Title Act. Adjudication of the claim under that Act would resolve the issue. We would be happy to work with the Committee staff to develop language of such an amendment.

This concludes my statement. I will be happy to respond to any questions on the bill.

Senator MURKOWSKI. I appreciate your assistance, Mr. Petty. We'll move on to S. 2279 now, to designate the Alben Barkley National Historic Site.

STATEMENT OF HON. RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR RELATING TO S. 2279

Mr. DICKENSON. Thank you, Mr. Chairman.

We recommend against enactment of this legislation. No disrespect to the memory or descendants of Alben Barkley is intended.

This bill authorizes the Secretary of the Interior to acquire by donation, purchase with donated or appropriated funds, or exchange, the lands and buildings known as Angles which compromise approximately 13 acres located near Mayfield, Ky. That is down in the Paducah area.

Alben Barkley was a distinguished Member of Congress, having been elected to the House of Representatives in 1913, where he remained until 1927 when he was elected to the U.S. Senate. While in the Senate he was notable for his service as majority leader from 1936 to 1947 and minority leader from 1947 to 1949. He also served as Vice President of the United States from 1949 to 1953 under President Harry S Truman. While he had a distinguished public career, national significance is not normally ascribed to persons or events less than 50 years in the past, except for Presidents and others of transcendent importance.

Mr. Chairman, Angles was placed on the National Register of Historic Places in 1976; however, the National Park Service has not done a study of the property which is a prerequisite to designation of national significance and further consideration for establishment as a national historic site. During this time of tight budgetary constraints we cannot commit limited National Park Service funds and staff to complete such a study in the near future.

In addition, Mr. Chairman, the administration does not support the acquisition of additional units of the national park system at this time. Our highest priority is the improvement and maintenance of the existing units of the national park system; therefore, we cannot support the enactment of this legislation.

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This concludes my statement, Mr. Chairman. I will be pleased to answer any questions.

[The prepared statement of Mr. Dickenson relating to S. 2279 follows:]

STATEMENT OF RUSSELL E. DICKENSON, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, ON S. 2279, A BILL TO DESIGNATE THE ALBEN BARKLEY NATIONAL HISTORIC SITE.

JULY 27, 1982

MR. CHAIRMAN, IT IS MY PLEASURE TO APPEAR BEFORE YOUR SUBCOMMITTEE TODAY TO TESTIFY ON S. 2279, A BILL TO DESIGNATE THE ALBEN BARKLEY HOUSE, KNOWN AS ANGLES, AS A NATIONAL HISTORIC SITE. WE RECOMMEND AGAINST ENACTMENT OF THIS LEGISLATION.

THE BILL AUTHORIZES THE SECRETARY OF THE INTERIOR TO ACQUIRE BY DONATION, PURCHASE WITH DONATED OR APPROPRIATED FUNDS, OR EXCHANGE, THE LANDS AND BUILDINGS KNOWN AS "ANGLES" WHICH COMPRISE APPROXIMATELY 13 ACRES LOCATED NEAR MAYFIELD, KENTUCKY. IT FURTHER STATES THAT THE SECRETARY SHOULD SUBSTANTIALLY COMPLETE THE ACQUISITION AUTHORIZED WITHIN ONE YEAR AFTER THE DATE OF ENACTMENT OF THIS LEGISLATION, AND AUTHORIZES $700,000 FOR LAND ACQUISITION.

THE "ANGLES" WAS CONSTRUCTED AROUND 1853 BY Q.Q. QUIGLEY, ONE OF THE MIDWEST'S MOST PROMINENT 19TH CENTURY CITIZENS AND HAS STRONG BUT NOT NECESSARILY PREEMINENT ASSOCIATION WITH ALBEN BARKLEY. ALTHOUGH IT WAS HIS KENTUCKY RESIDENCE AFTER 1937, HE WAS SERVING PRIMARILY IN WASHINGTON, D.C., DURING THOSE YEARS.

ALBEN BARKLEY WAS A DISTINGUISHED MEMBER OF CONGRESS, HAVING BEEN ELECTED TO THE HOUSE OF REPRESENTATIVES IN 1913 WHERE HE REMAINED UNTIL 1927 WHEN HE WAS ELECTED TO THE UNITED STATES SENATE. WHILE IN THE SENATE HE WAS NOTABLE FOR HIS SERVICE AS MAJORITY LEADER FROM 1936 TO 1947 AND MINORITY LEADER FROM 1947 TO 1949. HE ALSO SERVED AS VICE PRESIDENT OF THE UNITED

STATES FROM 1949 TO 1953 UNDER PRESIDENT HARRY S. TRUMAN. WHILE HE HAD A DISTINGUISHED PUBLIC CAREER, NATIONAL SIGNIFICANCE IS NOT NORMALLY ASCRIBED TO PERSONS OR EVENTS LESS THAN 50 YEARS IN THE PAST, EXCEPT FOR PRESIDENTS AND OTHERS OF TRANSCENDENT IMPORTANCE.

MR. CHAIRMAN, ANGLES WAS PLACED ON THE NATIONAL REGISTER OF HISTORIC PLACES IN 1976; HOWEVER, THE NATIONAL PARK SERVICE HAS NOT DONE A STUDY OF THE PROPERTY WHICH IS A PREREQUISITE TO DESIGNATION OF NATIONAL SIGNIFICANCE AND FURTHER CONSIDERATION FOR ESTABLISHMENT AS A NATIONAL HISTORIC SITE. DURING THIS TIME OF TIGHT BUDGETARY CONSTRAINTS WE CANNOT COMMIT LIMITED NATIONAL PARK SERVICE FUNDS AND STAFF TO COMPLETE SUCH A STUDY IN THE NEAR FUTURE.

IN ADDITION, MR CHAIRMAN, THE ADMINISTRATION DOES NOT SUPPORT THE ACQUISITION OF ADDITIONAL UNITS OF THE NATIONAL PARK SYSTEM AT THIS TIME. OUR HIGHEST PRIORITY IS THE IMPROVEMENT AND MAINTENANCE OF THE EXISTING UNITS OF THE NATIONAL PARK SYSTEM; THEREFORE, WE CANNOT SUPPORT THE ENACTMENT OF THIS LEGISLATION.

THIS CONCLUDES MY PREPARED STATEMENT, MR. CHAIRMAN, I WILL BE PLEASED TO ANSWER ANY QUESTIONS YOU OR THE MEMBERS OF YOUR SUBCOMMITTEE MAY HAVE.

Senator MURKOWSKI. You say you have not made the study; you don't know how much——

Mr. DICKENSON. We have not made an estimate of the amount it would take——

Senator MURKOWSKI. Do you have any figures relative to what they say it would cost?

Mr. DICKENSON. I have not heard anything other than the figure that was put into the House bill which authorized an expenditure of $700,000.

Senator MURKOWSKI. $700,000?

Mr. DICKENSON. But it has not been appraised by the Federal Government.

Senator MURKOWSKI. Do you have any other suggestions on how, other than with Federal dollars, this might be acquired?

Mr. DICKENSON. Many historical houses, Mr. Chairman, of course receive support from historical societies, associations, and the private sector. Without the clear establishment of the national significance of this area, we would certainly recommend that it not be brought into the national park system.

Senator MURKOWSKI. Well, I think we have for the record your recommendation. I appreciate that.

I want to rush the hearing. I have to vote. We have one more bill pending, that is S. 1303, to provide a land exchange in Hill County, Mont. sponsored by Senator Melcher. This is a private party exchanging land for Bureau of Reclamation land.

Would you care to comment on the status of that?

STATEMENT OF WILLIAM C. KLOSTERMEYER, ASSISTANT COMMISSIONER, BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

Mr. KLOSTERMEYER. Senator, I'm William Klostermeyer, Assistant Commissioner, Bureau of Reclamation.

I am pleased to present testimony on the Department of the Interior's position on S. 1303. This bill would authorize the Secretary of the Interior to exchange certain public lands for private lands, all lying within Hill County, Mont.

The public lands which this bill proposes to exchange are lands withdrawn by the Bureau of Reclamation from mineral entry or disposal under the various land laws of the United States for the construction of the Marias-Milk Canal and the Chain-of-Lakes lateral, which are features of the potential Marias-Milk Unit of the Milk Division of the Pick-Sloan Missouri Basin program. The proposed construction of these features will affect some low-lying wetland wildlife habitat. The loss of this habitat will need to be mitigated under the provisions of section 2 of the act of August 14, 1946, as amended.

Senator MURKOWSKI. Would be mitigated?

Mr. KLOSTERMEYER. Yes, sir.

Senator MURKOWSKI. OK. Could you summarize?

Mr. KLOSTERMEYER. If we exchange these lands, the Government would have to go back and repurchase lands needed for mitigation from Mr. Donoven or others in order to comply with the mitigation and wildlife plans. This would require a direct outlay of Federal

dollars. To retain and use for mitigation the lands desired by Mr. Donoven would not be a cost to the United States since they are presently public lands, withdrawn from the project. The lands Mr. Donoven proposes to exchange are ridgelands, and they would not be suitable for the project.

The Marias-Milk Unit, including the Marias-Milk Canal and Chain-of-Lakes, is presently being jointly studied with the State of Montana, and the Marias-Milk water users. Advance planning could be initiated in fiscal year 1984 if the project meets the tests of viability and is authorized by Congress

For these reasons we oppose the passage of S. 1303.

[The prepared statement of Mr. Klostermeyer follows:]

Witness Statement of William C. Klostermeyer, Assistant Commissioner, Bureau of Reclamation, before the Senate Subcommittee on Public Lands and Reserved Water in behalf of the Department of the Interior on S. 1303, a Bill "To authorize the Secretary of the Interior to exchange certain lands in Hill County, Montana."

Good afternoon gentlemen. I am pleased to present testimony on the Department of the Interior's position on S. 1303. This bill would authorize the Secretary of the Interior to exchange certain public lands for private lands all lying within Hill County, Montana.

The public lands which this bill proposes to exchange are lands withdrawn by the Bureau of Reclamation (Reclamation) from mineral entry or disposal under the various land laws of the United States for the construction of the Marias-Milk Canal and the Chain-of-Lakes lateral, features of the potential Marias-Milk Unit of the Milk Division of the Pick-Sloan Missouri Basin Program. The proposed construction of these features will affect some low-lying wetland wildlife habitat. The loss of this habitat will need to be mitigated under the provisions of section 2 of the Act of August 14, 1946, as amended (16 U.S.C. 622). Some of the withdrawn Federal land which Mr. Donoven wants to exchange for his private lands, have been tentatively identified as desirable lands to mitigate wildlife habitat losses and to enhance wildlife values. The fish and wildlife plan was jointly developed by the U.S. Fish and Wildlife Service and the State Department of Fish and Game.

These mitigation and enhancement lands are in an area known as Chain-of-Lakes. The fish and wildlife plan calls for the diversion of water to form a waterfowl refuge area.

The Federal lands involved in this bill were withdrawn for the Milk Division Pick-Sloan Missouri Basin Program, and as such, if title were to pass to Mr. Donoven, we would have to reserve a right-of-way necessary for the project features. Wildlife mitigation and enhancement lands are required to be held in fee title by the United States under the provisions of 43 Code of Federal Regulations (CFR) 8.2. Therefore, when the Marias-Milk Canal and the Chain-of-Lakes lateral are constructed, we would have to replace the lands Mr. Donoven wants in order to adequately mitigate wildlife habitat losses and enhance wildlife values. This would require the United States to repurchase the Chain-of-Lakes lands from Mr. Donoven should the exchange be completed as proposed. The private lands proposed for exchange are ridgelands, unsuitable for wildlife enhancement or for mitigating the losses of wetland wildlife habitat and would not serve any other project purposes.

The Marias-Milk Unit, including the Marias-Milk Canal and Chain-of-Lakes, is presently being jointly studied with the State of Montana, and the Marias-Milk water users. Advance planning could be initiated in fiscal year 1984 if the project meets the tests of viability and is authorized by the Congress.

For the above stated reasons we oppose the passage of S. 1303.

This completes my prepared statement. I am ready for questions from the committee.

Senator MURKOWSKI. So, basically you oppose the passage of S. 1303——

Mr. KOSTENMEYER. We would oppose——

Senator MURKOWSKI [continuing]. For reasons given, because the land exchange is not compatible for wildlife enhancement, right?

Thank you very much. I will relay to Senator Melcher your concerns.

With that, if there are no further remarks, the Subcommittee stands in recess.

I want to thank the witnesses and the staff.

[Whereupon, at 3:35 p.m., the hearing was adjourned.]

[Additional material submitted for the record follows:]

MARK O. HATFIELD, OREG., CHAIRMAN

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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

July 9, 1982

The Honorable Dale Bumpers
Ranking Minority Member
Subcommittee on Public Lands
and Reserved Water
United States Senate
Washington, D.C. 20510

Dear Dale:

I attach for your inspection a letter from the Governor of Arizona supporting S. 2308, which I introduced last week. The bill involves transferring ownership of a small parcel of Forest Service land to the City of Show Low, Arizona.

Thank you for your attention.

Best wishes.

Sincerely,

Dennis

DENNIS DeCONCINI
United States Senator

DDC/JJT
Enclosure

BRUCE BABBITT
GOVERNOR

OFFICE OF THE GOVERNOR
STATE HOUSE
PHOENIX, ARIZONA 85007

IN REPLY
REFER TO

June 21, 1982

RECEIVED JUN 24 1982

The Honorable Dennis DeConcini
United States Senator
3230 Dirksen Senate Office Building
Washington, D. C. 20510

Dear Senator DeConcini:

I am writing in support of your S. 2308. As you know, the City of Show Low has improved two parcels of land owned by the U.S. Forest Service; one parcel contains a city park and the municipal airport has been developed on the other parcel. Currently, the city has a special use permit from the Forest Service to operate these facilities.

The special use permit process has created administrative problems for the city. Since the park and airport are owned and operated by Show Low, the city should be given complete control over the land on which the facilities are located.

If I can be of any assistance in transferring ownership of the Forest Service land to the City of Show Low, please do not hesitate to contact me.

Sincerely,

Bruce Babbitt
Governor

BB:mtl

Statement of Senator John Melcher
Before the
Subcommittee on Public Lands and Reserved Water

July 27, 1982

THIS BILL, S. 1303, WOULD AUTHORIZE AND DIRECT THE SECRETARY OF THE INTERIOR TO ENTER INTO A LAND EXCHANGE IN HILL COUNTY, MONTANA. IT WOULD INVOLVE ABOUT 415 ACRES OF PRIVATE LAND FOR 400 ACRES OF PUBLIC LAND ALONG THE MILK RIVER.

IN JANUARY OF THIS YEAR THE THEN WATER AND POWER RESOURCES SERVICE, NOW THE BUREAU OF RECLAMATION, RESPONDED TO MR. KEITH DONOVEN CONCERNING THIS POSSIBLE LAND EXCHANGE. THEIR RESPONSE TO HIM IS REALLY THE BASIS FOR THIS BILL.

IN EFFECT, THEY TOLD MR. DONOVEN THAT THEY LACKED THE AUTHORITY TO TRADE OR EXCHANGE WITH PRIVATE OWNERSHIP. THE BUREAU MADE REFERENCE TO OTHER GENERAL AUTHORITY FOR EXCHANGES THAT MAY BE PROPOSED. THAT SAME KIND OF AUTHORITY WAS PROPOSED AND PASSED IN THE LAST CONGRESS BUT WAS, UNFORTUNATELY, VETOED AS A PART OF A LARGER MEASURE.

THE DESCRIPTION OF THE EXCHANGE THAT I READ IN THE DEPARTMENT'S REPORT TO THE CHAIRMAN MUST BE FOR LANDS OTHER THAN WHAT ARE IN MY BILL. THE DEPARTMENT SAYS THE EXCHANGE IS 80 ACRES OF BUREAU OF RECLAMATION LAND FOR 415 ACRES OF MR. DONOVEN'S LAND. FURTHER, THE REPORT SAYS THE FEDERAL LANDS DESIRED BY MR. DONOVEN ARE LANDS PRELIMINARILY IDENTIFIED AS WILDLIFE MITIGATION LANDS AND ARE IN AN AREA KNOWN AS LONESOME LAKE. NEITHER OF THESE ARE ACCURATE.

THE ACREAGE FIGURES WERE CITED EARLIER: 400 ACRES FOR 415 ACRES. THE LONESOME LAKE AREA IS LOCATED AT LEAST 15 MILES SOUTH AND THREE MILES WEST OF THE LAND DESIRED BY MR. DONOVEN. NEITHER I NOR MR. DONOVEN, WITH WHOM WE HAVE TALKED SINCE READING THE DEPARTMENT'S VIEWS, CAN UNDERSTAND WHAT THEY ARE TALKING ABOUT.

IT IS TRUE, MR. CHAIRMAN, THAT MR. DONOVEN WILL BE GETTING AGRICULTURE LANDS IN TRADE FOR HIS DEEDED GRASSLANDS, BUT THE BUREAU OF RECLAMATION HAS FOR SOME TIME BEEN TRYING TO

CONSOLIDATE THESE IN THE MILK RIVER PROJECT. MR. DONOVEN WILL BE GIVING UP THREE QUARTERS OF A MILE THROUGH HIS LAND FOR THE PROPOSED CANAL TO CREATE THE WATERFOWL AREA IN ORDEP TO GET A ONE-HALF MILE PIECE REPLACING IT. IF THE BUREAU PROCEEDS TO FILL THE DRY LAKES IN SECTION 25 AND OTHER PARTS OF THE CHAIN OF LAKES AREA, THEN MR. DONOVEN SAYS IT CAN LEAVE HIM ON AN ISLAND.

MR. CHAIRMAN, THIS REPORT IS SO MESSED UP AND THE STORY IT TELLS IS SO DIFFERENT THAN WHAT I UNDERSTAND TO BE THE ACCURATE PICTURE, THAT I WOULD HOPE THE COMMITTEE WOULD IMMEDIATELY SEEK FROM THE BUREAU IN BILLINGS, MONTANA, A CLEARER AND MORE ACCURATE REPORT. IF THEY WOULD SEND SOMEONE TO KREMLIN TO TALK TO MR. DONOVEN, IT WOULD HELP STRAIGHTEN THIS OUT AND GIVE US A BETTER PICTURE.

I WOULD LIKE TO SEE THIS BILL PASSED BY THE COMMITTEE, BUT I ALSO WANT A CLEAR RECORD OF WHAT IS INVOLVED.

western union telegram

WUSENATE WSH

VH GOV PAN

JULY 27, 1982

For the Record

912 JUL 27 PM 3:28

TLX MSG NBR: 6568

CHAIRMAN

SUB-COMMITTEE ON PUBLIC LANDS AND RESERVED WATER

OF THE SENATE ENERGY COMMITTEE

UNITED STATES SENATE

WASHINGTON, D.C. 20510

AS YOUR COMMITTEE BEGINS ITS HEARING ON THE PROPOSED BILL TO DESIGNATE ST.CROIX ISLAND AS AN INTERNATIONAL HISTORIC SITE I WRITE TO SOLICIT YOUR POSITIVE CONSIDERATION TOWARDS ITS PASSAGE.

IN 1604, AS YOU KNOW, FRENCH SETTLERS LED BY THE SIEUR DE MONTS AND SAMUEL DE CHAMPLAIN ESTABLISHED, ON DOCHET ISLAND, ONE OF THE FIRST EUROPEAN SETTLEMENTS NORTH OF FLORIDA. ALTHOUGH THE SETTLEMENT WAS ABANDONED, CHAMPLAIN CONTINUED HIS EXPLORATIONS IN ACADIA (MAINE, NEW BRUNSWICK AND NOVA SCOTIA) UNTIL 1607, AFTER WHICH HE WENT ON TO FOUND QUEBEC AND EXPLORE HURONIA AND OTHER PARTS OF PRESENT DAY ONTARIO. HE CAME TO BE REGARDED NOT ONLY AS THE FATHER OF QUEBEC, BUT A FOUNDER OF CANADA AS WELL.

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I WROTE TO THE RIGHT HONOURABLE PIERRE E. TRUDEAU, PRIME MINISTER OF CANADA IN 1975 URGING THAT HE APPROACH THE GOVERNMENT OF THE UNITED STATES TO PROPOSE THAT ST. CROIX ISLAND BE DEVELOPED AS AN INTERNATIONAL HISTORIC SITE.

PRECEDENCE FOR SUCH ACTION HAD ALREADY BEEN ESTABLISHED THROUGH THE CREATION OF THE ROOSEVELT-CAMPOBELLO INTERNATIONAL PARK. I HOPE THAT THE VERY SPECIAL PLACE OCCUPIED BY CHAMPLAIN IN CANADIAN HISTORY CAN BE RECOGNIZED BY UNDERTAKING A JOINT VENTURE ON ST.CROIX ISLAND IN THE SAME MANNER IN WHICH CAMPOBELLO WAS DESIGNATED TO COMMEMORATE A GREAT AMERICAN POLITICAL LEADER.

I HOPE THAT YOU WILL GIVE YOUR FULL SUPPORT TO A VENTURE WHICH WILL ENRICH BOTH OUR HERITAGES.

FROM:
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